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HISTORICAL RELATIONS:

OR, A

DISCOVERY

Of the true causes why

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Was never intirely

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OF THE

CROWN

OF

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UNTIL

The beginning of the Reign of King *James* of happy memory.

BY

Sir *John Davis* Knight.

His Majesties Attorney General of *Ireland.*

The third Edition corrected and amended.

Dublin, Printed for *Samuel Dancer*, Bookseller in *Castlestreet.* 1666.

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THE PRINTER TO THE READER.

THE former Edition of this Book being rarely now to be got, and much sought after by many, for the worth thereof, I procured from the Honourable Sir James Ware, *one of the former printed Books, according to which I now publish this second Edition.*

To the Reader.

The Author of the Work, was Sir John Davis, *a Learned man, and an excellent Orator, who for his great Abilities, was by King* James *first made His Solicitor, and afterwards his Attorney-General in this Kingdom of* Ireland: *Which Place he discharged for divers years, and having access to the Records, from them, for the most part, as from the purest Fountains, he gathered these his Observations.*

A DISCOVERY OF THE

True causes why *Ireland* was never entirely subdued, and brought under obedience of the Crown of *England*, until the beginning of His Majesties happy Reign.

DUring the time of my *Service* in IRELAND (which began in the first year of His Majesties Reign) I have visited all the Provinces of that *Kingdom*, in sundry journeys and circuits. Wherein I have observed the good *Temperature* of the *Ayre*; the *Fruitfulness* of

the *Soyl*; the pleasant and commodious *seats* for *habitation*; the safe and large *Ports* and *Havens* lying open for Traffick, into all the West parts of the World; the long *Inlets* of many Navigable Rivers, and so many great *Lakes*, and fresh Ponds within the Land; (as the like are not to be seen in any part of *Europe*) the rich *Fishings*, and Wilde *Fowl* of all kinds; and lastly, the *Bodies* and *Mindes* of the people, endued with extraordinary abilities of Nature.

THe observation whereof, hath bred in me some curiosity, to consider, what were the true causes, why *this Kingdom*, whereof our Kings of *England* have borne the Title of *Soveraign Lords*, for the space of four hundred and odde years (a period of time wherein divers great Monarchies have risen from Barbarism to Civility, and fallen again to ruine) was not in all that space of time, thoroughly subdued and reduced to Obedience of the Crown of *England*, although there hath been almost a continual War between the

English

Engliſh and the *Iriſh*; and why the manners of the meer *Iriſh* are ſo little altered ſince the days of King *Henry* the ſecond, as appeareth by the deſcription made by *Giraldus Cambrenſis*, (who lived and wrote in that time) albeit, there have been ſince that time, ſo many *Engliſh Colonies* planted in *Ireland*, as that, if the people were numbered at this day by the poll, ſuch as are deſcended of Engliſh race, would be found more in number than the ancient Natives.

AND truly, upon conſideration of the conduct and paſſage of affairs in former times, I find, that the *State* of *England* ought to be cleared of an imputation, which a vulgar errour hath caſt upon it, in one point; namely, *That* Ireland *long ſince might have been ſubdued and reduced to* Civility, *if ſome Statesmen in policy, had not thought it more fit to continue that Realm in Barbariſm.* Doubtleſs, this vulgar opinion (or report) hath no true ground; but did firſt ariſe either out of Ignorance, or out of Malice. For it will appear by

that which shall hereafter be laid down in this Discourse, that ever since *Our Nation* had any footing in this Land, the State of *England* did earnestly desire, and did accordingly endeavour from time to time, to perfect the Conquest of this Kingdom; but that in every age there were found such impediments and defects in both Realms, as caused almost an impossibility, that things should have been otherwise than they were.

Two main impediments of the conquest.

THe *Defects* which hindred the *Perfection* of the Conquest of *Ireland*, were of two kindes, and consisted, first, *In the faint prosecution of the war*, and next, *In the looseness of the Civil Government*. For, the Husbandman must first break the Land, before it be made capable of good seed; and when it is thoroughly broken and manured, if he do not forthwith cast good seed into it, it will grow wilde again, and bear nothing but weeds. So a barbarous Country must be first broken by a war, before it will be capable of good Government; and when it is fully subdued

dued and conquered, if it be not well planted and governed after the Conqueſt, it will eſt ſoons return to the former Barbariſm.

The ſaint proſecution of the war.

TOuching the carriage of the *Martial affairs*, from the ſeventeenth year of King *Henry* the ſecond, when the firſt overture was made for the Conqueſt of *Ireland* (I mean, the firſt after the Norman Conqueſt of *England*) until the nine and thirtieth year of Queen ELIZABETH, when that Royal Army was ſent over to ſuppreſs *Tirones* Rebellion, which made in the end an univerſal and abſolute conqueſt of all the *Iriſhrie*: It is moſt certain, that the Engliſh forces ſent *hither*, or raiſed here from time to time, were ever too weak to ſubdue and maſter ſo many warlike Nations (or Septs) of the Iriſh, as did poſſeſs this Iſland; and beſides their weakneſs, they were *Ill paid*, and *worſe Governed*. And if at any time there came over an Army of competent ſtrength and power, it did rather terrifie, than break and ſubdue this people,

being ever *broken* and *dissolved* by some one accident or other, before the perfection of the Conquest.

What is a perfect Conquest

FOR, that I call a *Perfect Conquest* of a Countrey, which doth reduce all the people thereof to the Condition of *Subjects*: and those I call *Subjects*, which are governed by the ordinary Laws and Magistrates of the *Soveraign*. For, though the Prince doth bear the Title of *Soveraign Lord* of an entire Countrey, (as our Kings did of all *Ireland*) yet if there be two third parts of that Countrey wherein he cannot punish Treasons, Murthers, or Thefts, unless he send an Army to do it; if the Jurisdiction of his ordinary Courts of Justice doth not extend into those parts to protect the people from wrong and Oppression; if he have no certain Revenue, no Escheates or Forfeitures out of the same, I cannot justly say, that such a Countrey is wholly conquered.

FIrſt then, That we may judge and diſcern whether the *Engliſh* Forces in *Ireland* were at any time of ſufficient ſtrength, to make a full and final Conqueſt of that Land, let us ſee what extraordinary Armies have been tranſmitted out of *England* thither, and what ordinary Forces have been maintained there, and what ſervice they have performed from time to time, ſince the ſeventeenth year of King *Henry* the ſecond.

How the war hath been proſecuted ſince the 17 year of *Henry* the ſecond.

IN that year, *Mac Murugh* Lord of *Leinſter*, being oppreſſed by the Lords of *Meath* and *Connaught*, and expelled out of his Territory, moved King *Henry* the ſecond to invade *Ireland*, and made an overture unto him for the obtaining of the Soveraign Lordſhip thereof. The King refuſed to undertake the War himſelf, to avoid the charge (as King *Henry* the ſeventh refuſed to undertake the diſcovery of the *Indies* for the ſame cauſe) but he gave licenſe by His Letters Patents, that

In the time of *Henry* the ſecond.

Giraldus Cambrenſis.

that ſuch of his Subjects might paſs over into *Ireland*, as would at their own charge become adventurers in that enterprize.

The firſt attempt but an adventure of private Gentlemen.

SO as the *firſt attempt to conquer this Kingdom, was but an adventure of a few private Gentlemen. Fitz-Stephen* and *Fitz-Gerald* firſt brake the ice, with a party of three hundred ninety men. The Earl *Strongbow* followed them with twelve hundred more, whoſe good ſucceſs upon the Sea-coaſts of *Leinſter* and *Mounſter*, drew over the King in perſon the next year after, *cum quingentis Militibus*, as *Giraldus Cambrenſis* reporteth, who was preſent in *Ireland* at that time. Which, if they were but five hundred Souldiers, ſeemeth too ſmall a train for ſo great a Prince. But admit they were five hundred Knights, yet becauſe in thoſe days every Knight was not a Commander of a Regiment, or Company, but moſt of them ſerved as private men, (ſometimes a hundred Knights under a *Spear*) as appeareth by the Liſts of the ancient Armies, we cannot

With what forces the King himſelf came over.

Archiv. Remem. Regis apud Weſt.

cannot conjecture his army to have been ſo great, as might ſuffice to conquer all *Ireland*, being divided into ſo many Principalities, and having ſo many *Hydraes* heads, as it had at that time.

For albeit, *Tacitus* in the life of *Agricola* doth report, that *Agricola* having ſubdued the greateſt part of Great *Britain*, did ſignifie to the Senate of *Rome*, that he thought *Ireland* might alſo be conquered with one Legion, and a few aids: I make no doubt, but that if he had attempted the conqueſt thereof with a far greater army, he would have found himſelf deceived in his conjecture. *For, a Barbarous Country is not ſo eaſily conquered, as a Civil, whereof Cæſar had experience in his Wars againſt the* Gauls, Germanes, *and* Britaines, *who were ſubduced to the Roman Empire, with far greater difficulty, than the rich Kingdoms of* Aſia. *And again, a Country poſſeſſed with many petty Lords and States, is not ſo ſoon brought under entirely, as an entire Kingdom Governed by one Prince or Monarch.*

And

And therefore, the late King of Spain, *could sooner win the Kingdom of* Portugal, *than reduce the States of the* Low-Countries.

What manner of Conquest K. *Henry* the second made of *Ireland.*

But let us see the success of King Henry the Second, doubtless his expedition was such, as he might have said with *Cæsar, veni, vidi, vici.* For, upon his first arrival, his very *Presence* without drawing his Sword, prevailed so much, as all the *Petty-Kings*, or *great Lords* within *Leinster*, *Conaght*, and *Mounster*, submitted themselves unto him, promised to pay him tribute, and acknowledged him their chief and Soveraign Lord. Besides, the better to assure this inconstant Sea-Nymph, who was so easily wonne, the Pope would needs give her unto him with a Ring, *Conjugio jungam stabili, propriamq; dicabo.* But as the Conquest was but slight and superficial, so the *Popes Donation*, and *the Irish Submissions, were but weak and fickle assurances.* For as the Pope had no more Interest in this Kingdom, than *He* which offered to

Christ

Chriſt all the Kingdoms of the earth; ſo the Iriſh pretend, *That by their Law, a Taniſt might do no act that might bind his ſucceſſor.* But this was the beſt aſſurance he could get from ſo many ſtrong Nations of people, with ſo weak a power: and yet he was ſo well pleaſed with this title of the *Lordſhip of Ireland*, as he placed it in his *Royal Stile*, before the Dutchies of *Normandy* and *Aquitain*. And ſo being advertiſed of ſome ſtirs raiſed by his unnatural Sons in *England*, within five months after his firſt arrival, he departed out of *Ireland*, without ſtriking one blow, or building one Caſtle, or planting one Garriſon among the Iriſh, neither left he behind him one true ſubject more than thoſe he found there at his coming over, which were only the *Engliſh Adventurers* ſpoken of before, who had gained the Port Towns in *Leinſter* and *Mounſter*, and poſſeſſed ſome ſcopes of Land thereunto adjoyning, partly by *Strongbow's* alliance with the Lord of *Leinſter*, and partly, by plain invaſion and Conqueſt.

And

And this is that Conqueſt of King *Henry* the ſecond, ſo much ſpoken of, by ſo many Writers, which, though it were in no other manner than is before expreſſed, yet is the entire Conqueſt of all *Ireland*, attributed unto him.

But the troth is, the conqueſt of *Ireland* was made by peice and peice, by ſlow ſteps and degrees, and by ſeveral attempts, in ſeveral ages. There were ſundry revolutions, as well of the Engliſh fortunes, as of the Iriſh; ſome-whiles one prevailing, ſome-whiles the other, and it was never brought to a full period, till his Majeſty that now is, came to the Crown.

As for King *Henry* the ſecond, he was far from obtaining that Monarchy Royal, and true Soveraignty which His Majeſty (who now reigneth) hath over the Iriſh. For the Iriſh Lords did only promiſe to become Tributaries to King *Henry* the Second. And ſuch as pay only *Tribute*, though they be placed by *Bodin*, in the firſt degree of *Subjection*, are not properly

Bodin de Repub.

Sub-

Subjects but *Soveraigns*. For, though they be leſs and interiour unto the Prince to whom they pay Tribute, yet they hold all other points of Soveraigny; and having paid their Tribute, which they promiſed, to have their peace, they are quit of all other duties, as the ſame *Bodin* writeth. And therefore, though King *Henry* the ſecond had the title of *Soveraign Lord* over the Iriſh, yet did he not put thoſe things in execution, which are the true marks and differences of *Soveraignty*.

The true marks of Soveraigny.

FOr to give Laws unto a people, to inſtitute Magiſtrates and Officers over them, to puniſh and pardon Malefactors, to have the ſole authority of making war and peace, and the like, are the true marks of Soveraignty; which K. *Henry* the ſecond had not in the Iriſh countries, but the Iriſh Lords did ſtill retain all theſe prerogatives to themſelves.

For they governed their people by the *Brehon Law*, they made their own Magiſtrates and Officers, they pardoned

and

and punished all Malefactors within their several Countries, they made war and peace one with another, without controulment, and this they did, not only during the Reign of King *Henry* the Second, but afterwards in all times, even until the Reign of Queen *Elizabeth*: and it appeareth what manner of Subjects these Irish Lords were, by the Concord made between King *Henry* the Second, and *Roderick* ô *Connor* the Irish King of *Conaght*, in the year 1175. which is recorded by *Hoveden* in this form: *Hic est finis & Concordia., inter Dominum regem Angliæ Henricum, filium Imperatricis, & Rodoricum Regem Conactæ, scilicet, quod Rex Angliæ concessit prædict' Roderico Ligeo homini suo, ut sit Rex sub eo paratus ad servitium suum, ut homo suus*, &c. And the Commission, whereby King *Henry* the Second made *William Fitz-Adelme* his Lieutenant of *Ireland*, hath this direction; *Archiepiscopis, Episcopis, Regibus, Comitibus, Baronibus, & omnibus fidelibus suis in Hibernia, Salutem.* Whereby it is manifest, that he

Hoveden in Henrico secundo fol. 312.

he gave those Irish Lords the Title and stile of Kings.

King *John* likewise did grant divers Charters to the King of *Conaght*, which remain in the Tower of *London*. And afterwards in the time of King *Henry* the Third, we find in the Tower, a grant made to the King of *Thomond*, in these words. *Rex Regi* Tosmond *salutem. Concessimus vobis terram Tosmond quam prius tenuistis, per firmam centum & triginta marcarum; Tenendum de nobis usque ad ætatem nostram.* And in the pipe Rolls remaining in *Bremighams* Tower, in the Castle of *Dublin*, upon sundry Accompts of the Senethall of *Ulster* (when that Earldom was in the Kings hands, by reason of the minority of the Earl) the entry of all such charges as were made upon *Oneale*, for Rent-Beeves, or for aids towards the maintainance of the Kings wars, are in this form. *Oneal Regulus* 400. *vaccas pro arreragio Reddit; Oneal Regulus*, 100. li. *de Auxilio Domini Regis ad guerram suam in Wasconia sustinendam.* And in one Roll the 36. of *Henry* the third, *Oneal*

6 *Johannis Claus. membrana.* 18.

17. *Johannis Chart. m.* 3.

6. *Hen.* 3. *chart. m.* 2.

Archiu. in Castro Dublin.

42. *Hen.* 3. *Comparus Will de la Zouch*

36. *Hen.* 3. *comparus Huberti de Rouly.*

neal Rex, 100 li. *de auxilio Domini Regis ad guerram ſuam in Wallia ſuſtinendam.* Which ſeemed ſtrange to me, that the Kings civil Officer ſhould give him that ſtile upon Record, unleſs he meant it in that ſenſe as *Maximilian* the Emperor did, when ſpeaking of his diſobedient Subjects; *The Title* (ſaid he) *of Rex Regum, doth more properly belong to me, than to any mortal Prince, for all my Subjects do live as Kings, they obey me in nothing, but do what they liſt.* And truly, in that ſenſe theſe Iriſh Lords might not unfitly be termed Kings. But to ſpeak in proper terms, we muſt ſay with the Latin Poet, *Qui rex eſt, Regnum maxime non habeat.* But touching theſe Iriſh Kings, I will add this note out of an ancient *Manuſcript*, the black book of Chriſt-Church in *Dublin*, *Iſti Reges non fuerunt ordinati ſolemnitate alicujus ordinis, nec unctionis Sacramento, nec jure hæreditario, vel aliqua proprietatis ſucceſſione, ſed vi & armis quilibet Regnum ſuum obtinuit:* and therefore they had no juſt cauſe to complain, when a ſtronger King than

than themſelves, became a King and Lord over them. But let us return to our purpoſe, and ſee the proceeding of the Martial affairs.

How the war was proſecuted in the time of King *John*. *Giraldus Cambrenſis.*

King *Henry* the ſecond, being returned into *England*, gave the Lordſhip of *Ireland* unto the Lord *John* his youngeſt ſon, ſur-named before that time, *Sans Terre*. And the Pope confirming that gift, ſent him a Crown of Pea-cocks feathers (as Pope *Clement* the eighth, ſent the Feather of a *Phœnix* (as he called it) to the Traitor *Tirone*. (This young Prince the Kings Son, being but twelve years of age, with a train of young Noblemen and Gentlemen, to the number of 300. but not with any main army, came over to take poſſeſſion of his new Patrimony, and being arrived at *Waterford*, divers Iriſh Lords (who had ſubmitted themſelves to his father) came to perform the like duty to him. But that youthful company uſing them with ſcorn, becauſe their demeanours were but rude and barbarous, they went away much diſcontented, and *Giraldus Cambrenſis.*

rraiſed a general rebellion againſt him. Whereby it was made manifeſt, that the *Submiſſion of the Iriſh Lords, and the Donation of the Pope, were but ſlender and weak aſſurances for a Kingdom.*

Hereupon this young Lord was revoked, and Sir *John de Courcy* ſent over, not with the Kings Army, but with a company of *Voluntaries*, in number four hundred, or thereabout. With theſe he attempted the conqueſt of *Ulſter*, and in four or five encounters, did ſo beat the Iriſhry of that Province, as that he gained the *Maritime* Coaſts thereof, from the *Boyne* to the *Bann*; and thereupon, was made Earl of *Ulſter*. So as now the Engliſh had gotten good footing in all the Provinces of *Ireland*. In the firſt three Provinces of *Leinſter*, *Mounſter*, and *Conaght*, part by the Sword, and part by ſubmiſſion and alliance. And laſtly, in *Ulſter*, by the invaſion and victories of Sir *John de Courcy*.

Geraldus Cambrenſis.

From this time forward, until the ſeventeenth year of King *John* (which was a ſpace of more than 30. years) there

there was no army transmitted out of *England*, to finish the Conquest. Howbeit in the mean time, the English Adventurers and Colonies already planted in *Ireland*, did win much ground upon the Irish; Namely, the Earl *Strongbow*, having married the Daughter of *Mac Murrogh*, in *Leinster*; the *Lacies* in *Meth*; the *Geraldines*, and other Adventurers in *Mounster*, the *Audleyes*, *Gernons*, *Clintons*, *Russels*, and other Voluntaries of Sir *John de Courcies* retinue, in *Ulster*; and the *Bourkes* (planted by *William Fitz-Adelme*) in *Conaght*. Yet were the English reputed but Part-Owners of *Ireland* at this time, as appeareth by the Commission of the Popes Legate in the time of King *Richard* the first, whereby he had power to exercise his Jurisdiction, in *Anglia, Wallia, ac illis Hiberniæ partibus, in quibus* Johannes *Moretonii Comes potestatem habet & dominium*, as it is recorded by *Mat. Paris*. *Matth. Paris in Richardo primo An. 1189.*

King *John*, in the twelfth year of his Reign, came over again into *Ireland*: the Stories of that time say, with a great

great army, but the certain numbers are not recorded: yet it is credible, in regard of the troubles wherewith this King was diſtreſſed in *England*, that this army was not of ſufficient ſtrength to make an entire Conqueſt of *Ireland*; and if it had been of ſufficient ſtrength, yet did not the King ſtay a ſufficient time to perform ſo great an action, for he came over in *June*, and returned in *September*, the ſame year. Howbeit in that time, the Iriſh Lords for the moſt part, ſubmitted themſelves to him, as they had done before to his Father: which was but a meat mockery and impoſture. For his back was no ſooner turned, but they returned to their former Rebellion: and yet this was reputed a *ſecond Conqueſt*. And ſo this King giving order for the building of ſome Caſtles upon the Borders of the Engliſh Colonies, left behind him the *Biſhop of Norwich*, for the civil Government of the Land; but he left no ſtanding army to proſecute the conqueſt: only the Engliſh Colonies which were already planted, were left to themſelves to maintain what

Matth. Paris.

what they had got, and to gain more if they could.

The personal presence of these two great Princes, King *Henry* the second, and King *John*, though they performed no great thing with their armies, gave such countenance to the English Colonies, which encreased daily by the coming over of new Voluntaries and Adventurers out of England, as that they enlarged their Territories very much. Howbeit after this time the Kings of *England*, either because they presumed that the English Colonies were strong enough to root out the Irish by degrees, or else because they were diverted or disabled otherwise (as shall be declared hereafter) never sent over any Royal army, or any numbers of men worthy to be called an army into *Ireland*, untill the thirty sixth year of King *Edward* the third, when *Lionel* Duke of *Clarence*, the Kings second Son, having married the Daughter and Heir of *Ulster*, was sent over with an extraordinary power in respect

ſpect of the time (for the wars betwixt *England* and *France*, were then in their heat) as well to recover his Earldom of *Ulſter*, which was then over-run and poſſeſt by the Iriſh, as to reform the Engliſh Colonies, which were become ſtrangely degenerate throughout the whole Kingdom.

This Charter yet remaineth perfect, with an entire Seal in the treaſury at Weſtminſter. *Archiu. in Caſtro Dublin & Archiu Turr. 52 Hen. 3 patent. m. 9.*

FOr though King *Henry* the Third, gave the whole Land of *Ireland* to *Edward* the Prince, his eldeſt Son, and his Heirs, *Ita quod non Separetur a Corona Angliæ.* Whereupon it was ſtyled the Land of the Lord *Edward*, the Kings eldeſt Son: and all the Officers of the Land, were called the Officers of *Edward* Lord of *Ireland*; and though this *Edward* were one of the moſt active Princes that ever lived in *England*, yet did he not either in the life time of his father, or during his own Raign, come over in perſon, or tranſmit any army into *Ireland*, but on the other ſide, he drew ſundry aids and ſupp ies of men out

out of *Ireland*, to ſerve him in his wars in *Scotland*, *Wales*, and *Gaſcoigne*. And again, though King *Edward* the Second ſent over *Piers Gaveſton* with a great retinue, it was never intended he ſhould perfect the Conqueſt of *Ireland*; for the King could not want his company ſo long a time, as muſt have been ſpent in the finiſhing of ſo tedious a work.

How the martial affairs were carried from the 12. year of King *John*, to the 36. year of King *Edward* the Third.

So then, in all that ſpace of time, between the twelfth year of King *John*, and the 36. year of King *Edward* the Third, containing 150. years, or thereabouts, although there were a continual bordering war between the Engliſh and the Iriſh, there came no Royal Army out of *England*, to make an end of the War. But the chief Governors of the Realm, who were at firſt called *Cuſtodes Hiberniæ*; and afterwards *Lords Juſtices*, and the Engliſh Lords, who had gotten ſo great poſſeſſions and Royalties, as that they preſumed to make war and peace without direction from the State, did levy all their forces within the land. But

those forces were *weakly supplied*, and ill governed, as I said before. Weakly supplyed with men and Mony; and governed with the worst Discipline that ever was seen among men of war. And no marvel, for it is an infallible rule, that *an army ill paid, is ever unruly, and ill governed.* The standing forces here, were seldom or never re-enforced out of *England*, and such as were either sent from thence, or raised here, did commonly do more hurt and damage to the *English* Subjects, than to the Irish enemies, by their continual *Sess* and *Extortion*. Which mischief did arise, by reason that little or no Treasure was sent out of *England*, to pay the soldiers wages: Only the Kings revenue in *Ireland* was spent, and wholly spent in the publick service; and therefore, in all the ancient Pipe-Rols in the times of *Henry* the Third, *Edward* the first, *Edward* the second, and *Edward* the third, between the Receipts and allowances, there is this *entrie*; *In Thesauro nihil.* For the Officers of the State and the Army, spent alls so, as there

Archiv. in Castro Dublin.

there was no ſurpluſage of Treaſure, and yet that *All* was not ſufficient. For in default of the Kings pay, as well the ordinary Forces which ſtood continually, as the extraordinary, which were levied by the chief Governor, upon journeys, and general hoaſtings, were for the moſt part laid upon the poor ſubject deſcended of *Engliſh* race; howbeit this burthen was in ſome meaſure tolerable in the time of King *Henry* the third, and King *Edward* the firſt; but in the time of King *Edward* the ſecond, *Maurice fitz-Thomas* of *Deſmond*, being chief Commander of the Army againſt the Scots, began that wicked extortion of *Coigne* and *Livery*, and pay; that is, He and his Army took Horſe meat and Mans meat, and money, at their pleaſure, without any Ticket, or other ſatisfaction. And this was after that time, the general fault of all the Governors and Commanders of the Army in this Land. Only the Golden ſaying of Sir *Thomas Rookesby*, who was Juſtice in the thirtieth year of King *Edward* the third, is recorded in all the Annales of

Stat. 10. H. 7. c. 4. rot. Parliam. in Caſtro Dublin.

Annales Hiberniæ in Camden.

of this Kingdom, *That he would eat in wodden dishes, but would pay for his meat Gold and Silver.* Besides, the English Colonies being dispersed in every Province of this Kingdom, were enforced to keep continual guards upon the Borders and Marches round about them; which *Guards*, consisting of idle Souldiers, were likewise imposed as a continual burthen upon the poor *English* Freeholders, whom they oppressed and impoverished in the same manner. And because the great English Lords and Captains had power to impose this charge, when, and where they pleased, many of the poor Freeholders, were glad to give unto those Lords, a great part of their Lands, to hold the rest free from that extortion: And many others, not being able to endure that intolerable oppression, did utterly quit their freeholds, and returned into *England*. By this mean, the English Colonies grew poor and weak, though the English Lords grew rich and mighty: for they placed Irish Tenants upon the Lands relinquished by the English; upon

Baron Finglas. Manuf. Stat. 10. H7. cap. 4. Rot. Parli. in Castro Dublin.

on them they levied all Iriſh exactions, with them they married, and foſtered, and made Goſſips; ſo as within one age, the Engliſh, both Lords and Freeholders, became degenerate and meer Iriſh in their Language, in their apparel, in their arms and manner of fight, and all other Cuſtomes of life whatſoever.

By this it appeareth, why the extortion of *Coigne* and *Livery*, is called in the old Statutes of *Ireland*, *A damnable cuſtom*; and the impoſing and taking thereof, made *High Treaſon*. And it is ſaid in an ancient Diſcourſe, *Of the Decay of Ireland*, that though it were firſt invented in *Hell*, yet if it had been uſed and practiſed there, as it hath been in *Ireland*, it had long ſince deſtroyed the very Kingdom of *Belzebub*. In this manner was the War of *Ireland* carried, before the coming over of *Lionel* Duke of *Clarence*.

Stat. 11. H. 4. cap. Baron Finglas. M. S.

This young Prince, being Earl of *Ulſter*, and Lord of *Conaght*, in right of his wife (who was daughter and Heir of the Lord *William Bourk*, the

laſt

last Earl of *Ulster* of that Family, slain by treachery at *Knockefergus*) was made the Kings Lieutenant of *Ireland*, and sent over with an Army, in the six and thirtieth year of King *Edward* the third. The Roll and List of which Army, doth remain of Record in the Kings Remembrancers Office in *England* (in the press *de Rebus tangentibus Hiberniam*) and doth not contain above fifteen hundred men by the Poll; which because it differs somewhat from the manner of this age, both in respect of the *Command*, and the *Entertainment*, I think it not impertinent to take a brief view thereof.

The Army transmitted with *Lionel* Duke of *Clarence*, the 36 of *Edw.* 3. *Archiu. Remem. Regis apud Westm.*

The Lord *Lionel* was General, and under him *Raulf* Earl of *Stafford*, *James* Earl of *Ormond*, Sir *John Carew* Banneret, Sir *William Winsor*, and other Knights were Commanders.

The entertainment of the General upon his first arrival, was but six shillings eight pence *per diem*, for himself; for five Knights, two shillings a piece, *per diem*; for sixty four Esquires, twelve pence a piece, *per diem*; for 70 Archers,

six

ſix pence a piece, *per diem.* But being ſhortly after created *Duke of Clarence*, (which honour was conferred upon him being here in *Ireland*) his entertainment was raiſed to thirteen ſhillings four pence *per diem*, for himſelf, and for eight Knights, two ſhillings a piece *per diem*, with an encreaſe of the number of his Archers, *viz.* three hundred and ſixty Archers on horſeback, out of *Lancaſhire*, at ſix pence a piece *per diem*; and twenty three Archers out of *Wales*, at two pence a piece *per diem*.

The Earl of *Staffords* entertainment, was for himſelf ſix ſhillings eight pence *per diem*; for a Banneret, four ſhillings *per diem*; for ſeventeen Knights, two ſhillings a piece *per diem*; for ſeventy eight Eſquires, twelve pence a piece *per diem*; for one hundred Archers on Horſebaek, ſix pence a piece *per diem*. Beſides, he had the command of four and twenty Archers out *Staffordſhire*, fourty Archers out of *Worceſterſhire*, and ſix Archers out of *Shropſhire*, at four pence a piece *per diem*.

The entertainment of *James* Earl of *Ormond*,

Ormond, was for himſelf four ſhillings *per diem*; for two Knights, two ſhillings a piece *per diem*; for ſeven and twenty Eſquires twelve pence a piece *per diem*; for twenty *Hoblers* armed (the Iriſh Horſemen were ſo called, becauſe they ſerved on *Hobbies*) ſix pence a piece *per diem*, and for twenty *Hoblers* not armed, four pence a piece *per diem*.

The entertainment of Sir *John Carew* Banneret, was for himſelf four ſhillings *per diem*; for one Knight, two ſhillings *per diem*; for eight Eſquires, twelve pence a piece, *per diem*; for ten Archers on Horſeback, ſix pence a piece *per diem*.

The entertainment of Sir *William Winſore*, was for himſelf two ſhillings *per diem*; for two Knights, two ſhillings a piece *per diem*; for forty nine Squires twelve pence a piece *per diem*; for ſix Archers on Horſeback, ſix pence a piece *per diem*.

The like entertainment rateably, were allowed to divers Knights and Gentlemen upon that Liſt, for themſelves, and their ſeveral retinues, whereof

whereof ſome were greater, and ſome leſs, as they themſelves could raiſe them among their Tenents and Followers.

The manner of levying Souldiers in former ages.

FOr in ancient times, the King himſelf did not levy his Armies by his own immediate Authority or Commiſſion, but the Lords and Captains did by Indenture Covenant with the King, to ſerve him in his Wars with certain numbers of men, for certain wages and entertainments, which they raiſed in greater or leſs numbers, as they had favour or power with the people. This courſe hath been changed in latter times upon good reaſon of State: *For the Barons and Chief Gentlemen of the Realm, having power to uſe the Kings Prerogative in that point, became too popular; whereby they were enabled to raiſe Forces even againſt the Crown it ſelf, which ſince the Statutes made for levying and muſtering of Souldiers by the Kings ſpecial Commiſſion, they cannot ſo eaſily perform, if they ſhould forget their duties.*

This

Whatservice *Lionel* Duke of *Clarence* performed.

THis *Lord Lieutenant*, with this ſmall Army, performed no great ſervice; and yet upon his coming over, all men who had Land in *Ireland*, were by Proclamation remanded back out of *England* thither, and both the Clergy and Laity of this Land, gave two years profits of all their Lands and Tythes, towards the maintenance of the War here: onely he ſuppreſſed ſome Rebels in low *Leinſter*, and recovered the Maritime parts of his Earldome of *Ulſter*. But his beſt ſervice did conſiſt in the well-governing of his Army, and in holding that famous Parliament at *Kilkenny*; wherein the extortion of the Souldier, and the degenerate manners of the Engliſh (briefly ſpoken of before) were diſcovered, and Laws made to reform the ſame: which ſhall be declared more at large hereafter.

Archiv. Tur. 35 Edw. 3 Clauſ. m. 21. in dorſo. & m. 30.

Sir *Wil. Vinſor.* Lieutenant, 47 *Ed.* 3. his forces & ſervice.

THe next *Lieutenant*, tranſmitted with any Forces out of *England*, was Sir *William Winſore*; who in the 47 year of King *Edward* the third, undertook

took the *Cuſtody*, not the *Conqueſt* of this Land (for now the Engliſh made rather a *Defenſive* than an *Invaſive* war) and withal, to defray the whole charge of the Kingdom, for eleven thouſand two hundred thirteen pounds, ſix ſhillings and eight pence, as appeareth by the Indenture between him and the King, remaining of Record in the Tower of *London*. But it appeareth by that which *Froiſſard* reporteth, that Sir *William Winſore* was ſo far from ſubduing the Iriſh, as that himſelf reported, That he could never have acceſs to underſtand and know their Countries, albeit he had ſpent more time in the ſervice of *Ireland*, than any Engliſhman then living.

47 *Ed.* 3. *Clauſ. m.* 1.

Stow in Rich 2.

AND here I may well take occaſion, to ſhew the vanity of that which is reported in the Story of *Walſingham*, touching the Revenue of the Crown in *Ireland*, in the time of King *Edward* the third. For he ſetting forth the ſtate of things there, in the time of King *Richard* the ſecond, writeth thus,

The ſtate of the revenue of *Ireland*, in the time of *Ed.* 3.

Walsingham in Rich. 2. *Cum Rex Angliæ illuſtris, Edwardus tertius illic poſuiſſet Bancum ſuum atq; Judices, cum Scaccario, percepit inde ad Regalem Fiſcum annuatim triginta millia librarum; modò propter abſentiam ligeorum, & hoſtium potentiam, nihil inde venit: ſed Rex per annos ſingulos, de ſuo Marſupio, terræ defenſoribus ſolvit Triginta millia marcarum, ad regni ſui dedecus & fiſci graviſſimum detrimentum.*

If this Writer had known, that the Kings Courts had been eſtabliſhed in *Ireland*, more than a hundred years before King *Edward* the third was born, or had ſeen either the Parliament Rolls in *England*, or the Records of the Receipts and Iſſues in *Ireland*, he had not left this vain report to poſterity. For both the Benches and the Exchequer were erected in the twelfth year of King *John*. And it is recorded in the Parliament Rolls of 21 of *Edward* the third, remaining in the Tower, that the Commons of *England* made petition that it might be enquired, why the King received *no benefit* of his Land of *Ireland*, conſidering he poſſeſſed more

Archiu Turr. 11 H. 3. patent *m.* 3.

21 *Ed.* 3. *m.* 41.

more there, than any of his Anceſtors had before him. Now, if the King at that time, when there were no ſtanding Forces maintained there, had received Thirty thouſand pound yearly at his Exchequer in *Ireland*, he muſt needs have made profit by that Land, conſidering that the whole charge of the Kingdom in the 47 year of *Edward* the third (when the King did pay an Army there) did amount to no more than Eleven thouſand and two hundred pounds *per annum*, as appeareth by the Contract of Sir *William Winſore*. 47 *Ed.* 3. *clauſ. perſ.* 2. *m.* 24. & 26.

Beſides, it is manifeſt by the Pipe-Rolls of that time, whereof many are yet preſerved in *Bremingham's* Tower; and are of better credit than any Monks ſtory, that during the Reign of King *Edward* the third, the Revenue of the Crown of *Ireland*, both certain and caſual, did not riſe unto Ten thouſand pound *per annum*, though the *Medium* be taken of the beſt ſeven years that are to be found in that Kings time. The like Fable hath *Hollingſ-* *Archiu. in Caſtro Dublin.* *Hollingſhead* in R. 2.

head touching the Revenue of the Earldom of *Vlſter*; which (ſaith he) in the time of King *Richard* the ſecond was thirty thouſand Marks by the year; whereas in truth, though the Lordſhips of *Conaght* and *Meath* (which were then parcel of the inheritance of the Earl of *Vlſter*) be added to the accompt, the Revenue of that Earldom came not to the third part of that he writeth. For the Accompt of the profits of *Vlſter* yet remaining in *Bremingham* Tower, made by *William fitz-Warren*, Seneſhal and Farmour of the Lands in *Vlſter*, ſeized into the Kings hands after the death of *Walter de Burgo*, Earl of *Vlſter*, from the fifth year of *Edward* the third, until the eight year, do amount but to nine hundred and odde pounds, at what time the Iriſhry had not made ſo great an invaſion upon the Earldome of *Vlſter*, as they had done in the time of King *Richard* the ſecond.

Archiu. in Caſtro Dublin. 5 Edw 3.

As vain a thing it is, that I have ſeen written in an ancient *Manuſcript*, touching the Cuſtoms of this Realm

in

in the time of King *Edward* the third, that thoſe duties in thoſe days ſhould yearly amount to Ten thouſand Marks, which by mine own ſearch and view of the Records here, I can juſtly controul. For upon the late reducing of this ancient Inheritance of the Crown, which had been detained in moſt of the Port-Towns of this Realm, for the ſpace of a hundred years and upwards, I took ſome pains (according to the duty of my place) to viſit all the Pipe-Rolls, wherein the Accompts of Cuſtoms are contained, and found thoſe duties anſwered in every Port, for two hundred and fifty years together, but did not finde that at any time they did exceed a thouſand pound *per annum*; and no marvel, for the ſubſidy of Pondage was not then known, and the greateſt profit did ariſe by the Cocquet of Hides; for Wool, and Wool-fels were ever of little value in this Kingdom.

But now again let us ſee how the Martial affairs proceeded in *Ireland*. Sir *William Winſor* continued his goverr-

ment till the latter end of the Reign of King *Edward* the third, keeping, but not enlarging, the Engliſh borders.

How the war proceeded in the time of King *Richard* the ſecond.

IN the beginning of the Reign of King *Richard* the ſecond, the State of *England* began to think of the recovery of *Ireland*: For then was the firſt Statute made againſt *Abſentes*, commanding all ſuch as had Land in *Ireland*, to return and reſide thereupon, upon pain to forfeit two third parts of the profit thereof. Again, this King, before himſelf intended to paſs over, committed the Government of this Realm to ſuch great Lords ſucceſſively, as he did moſt love and favour: Firſt, to the Earl of *Oxford*, his chief Minion, whom he created Marqueſs of *Dublin*, and Duke of *Ireland*: next to the Duke of *Surry*, his half Brother: and laſtly, to the Lord *Mortimer*, Earl of *March* and *Ulſter*, his Coſin and Heir apparent.

3 Rich. 2. *Archiu. Tur Rot. Parl.* 42.

Pat. 2. *parſ.* 9. *Rich.* 2. *m.* 24.

Among the Patent Rolls in the Tower, the ninth year of *Richard* the ſecond, we find five hundred men at Arms at twelve pence a piece *per diem*, and a thouſand Archers

Archers at ſix pence a piece, *per diem*, appointed for the Duke of *Ireland*, *Super Conqueſtu illius terræ per duos annos*: For thoſe are the words of that Record; But for the other two Lieutenants, I do not find the certain numbers, whereof their Armies did conſiſt. But certain it is, that they were ſcarce able to defend the Engliſh borders, much leſs to reduce the whole Iſland. For one of them; namely, the Earl of *March*, was himſelf ſlain upon the borders of *Meath*; for revenge of whoſe death, the King himſelf made his ſecond voyage into *Ireland*, in the laſt year of his Reign. For his firſt voyage in the eighteenth year of his Reign, (which was indeed a Voyage-Royal) was made upon another motive and occaſion, which was this; Upon the vacancy of the Empire, this King having married the King of *Bohemiahs* Daughter (whereby he had great alliance in *Germany*) did by his Ambaſſadors ſolicite the Princes Electors to chooſe him Emperor: but another being elected, and his Ambaſ-

Walſingham in Rich. 2.

Annales, Tho. Otterbourne Manuſcript.

ſadors returned, he would needs know of them the cauſe of his repulſe in that Competition: They told him plainly, that the Princes of *Germany* did not think him fit to Command the Empire, who was neither able to hold that which his Anceſtors had gained in *France*, nor to rule his inſolent Subjects in *England*, nor to Maſter his Rebellious people of *Ireland*. This was enough to kindle in the heart of a young Prince, a deſire to perform ſome great enterprize. And therefore finding it no fit time to attempt *France*, he reſolved to finiſh the Conqueſt of *Ireland*; and to that end, he levied a mighty Army, conſiſting of four thouſand men at Arms, and thirty thouſand Archers, which was a ſufficient power to have reduced the whole Iſland, if he had firſt broken the Iriſh with a War, and after eſtabliſhed the Engliſh Laws among them, and not have been ſatisfied with their light ſubmiſſions onely, wherewith, in all ages they have mockt and abuſed the State of *England*. But the Iriſh Lords knowing

knowing this to be a ſure pollicy to diſſolve the forces, which they were not able to reſiſt (for their Anceſtors had put the ſame trick and impoſture upon King *John*, and King *Henry* the ſecond) as ſoon as the King was arrived with his army, which he brought over under S. *Edwards* Banner (whoſe name was had in great veneration amongſt the Iriſh) they all made offer to ſubmit themſelves. Whereupon the Lord *Thomas Mowbray*, Earl of *Nottingham*, and Marſhal of *England*, was authorized by ſpecial Commiſſion, to receive the homages and Oaths of fidelity, of all the Iriſhry of *Leinſter*. And the King himſelf having received humble Letters from *Oneal*, (wherein he ſtileth himſelf Prince of the Iriſhry in *Ulſter*, and yet acknowledgeth the King to be his Soveraign Lord, *& perpetuus Dominus Hiberniæ*) removed to *Droghedah*, to accept the like ſubmiſſions from the Iriſh of *Ulſter*. The Men of *Leinſter*, namely, *Mac Murrogh*, *O Byrne*, *O Moore*, *O Murrogh*, *O Nolan*, and the chief of the *Kinshelaghes*, in an humble and ſolemn manner

Stow in Rich. 2.

Archiv. in officio Remembrat. regis apud Weſtmon.

manner did their homages, and made their Oaths of fidelity to the Earl Marſhal, laying aſide their girdles, their skeins and their Caps, and falling down at his feet upon their knees. Which when they had performed, the Earl gave unto each of them, *Oſculum pacis*.

Beſides they were bound by ſeveral Indentures, upon great pains to be paid to the Apoſtolick Chamber, not only to continue loyal ſubjects, but that by a certain day prefixed, they and all their Sword-men, ſhould clearly relinquiſh and give up unto the King and his ſucceſſors all their Lands and poſſeſſions which they held in *Leinſter*, and (taking with them only their moveable goods) ſhould ſerve him in his wars againſt his other Rebels. In conſideration whereof, the King ſhou'd give them pay and penſions during their lives, and beſtow the inheritance of all ſuch Lands upon them, as they ſhou'd recover from the Rebels, in any other part of the Realm. And thereupon, a penſion of eighty Marks *per annum*, was granted to *Art Mac Murrogh*,

rogh, chief of the *Kavanaghes*; the enroulment whereof, I found in the White book of the Exchequer here. And this was the effect of the ſervice performed by the Earl *Marſhal*, by vertue of his Commiſſion. The King in like manner received the ſubmiſſions of the Lords of *Vlſter*, namely; *O Neal*, *O Hanlon*, *Mac Donel*, *Mac Mahon*, and others; who with the like Humility and Ceremony, did homage and fealty to the Kings own perſon; the words of *O Neales* homage, as they are recorded are not unfit, to be remembred: *Ego Nelanus Oneal Senior tam pro meipſo, quam pro filiis meis, & tota Natione mea & Parentelis meis, & pro omnibus ſubditis meis devenio Ligeus homo veſter*, &c. And in the Indenture between him and the King, he is not only bound to remain faithful to the Crown of *England*, but to reſtore the *Bonaght* of *Vlſter*, to the Earl of *Vlſter*, as of right belonging to that Earldom, and uſurped among other things by the *Oneals*.

Theſe Indentures and ſubmiſſions, with many other of the ſame kind,

(for

(for there was not a Chieftain or head of an Iriſh ſept, but ſubmitted himſelf in one form or other) the King himſelf cauſed to be inrolled and teſtified by a Notary publick, and delivered the enrolments with his own hands to the Biſhop of *Salisbury*, then Lord Treaſurer of *England*, ſo as they have been preſerved, and are now to be found in the Office of the Kings Remembrancer there.

With theſe humilities they ſatisfied the young King, and by their bowing and bending, avoided the preſent ſtorm, and ſo brake that Army, which was prepared to break them. For the King having accepted their ſubmiſſions, received them in *Oſculo pacis*, feaſted them, and given the honor of Knighthood to divers of them, did break up and diſſolve his army, and returned into *England* with much honor, and ſmall profit, (ſaith *Froiſſard.*) For though he had ſpent a huge maſs of Treaſure in tranſporting his army, by the countenance whereof he drew on their ſubmiſſions, yet did he not encreaſe his revenue there-

thereby one ſterling pound, nor enlarged the *Engliſh* borders the bredth of one Acre of Land; neither did he extend the Juriſdiction of his Courts of Juſtice one foot further than the Engliſh Colonies, wherein it was uſed and exerciſed before. Beſides, he was no ſooner returned into *England*, but thoſe *Iriſh* Lords laid aſide their masks of humility, and ſcorning the weak forces which the King had left behind him, began to infeſt the borders; in defence whereof, the Lord *Roger Mortimer* being then the Kings Lieutenant, and Heir apparent to the Crown of *England*, was ſlain, as I ſaid before. Whereupon the King being moved with a juſt appetite of revenge, came over again in perſon, in the 22. year of his Reign, with as potent an army, as he had done before, with a full purpoſe to make a full Conqueſt of *Ireland*: he landed at *Waterford*, and paſſing from thence to *Dublin*, through the waſt Countries of the *Murroghes*, *Kinſhelaghes*, *Cauanaghes*, *Birnes*, and *Tooles*, his great army was much diſtreſſed

for

for want of victuals and carriages, ſo as he performed no memorable thing in that journey; only in the *Cavanaghes* Country, he cut and cleared the paces, and beſtowed the honour of Knighthood upon the Lord *Henry*, the Duke of *Lancaſters* ſon, who was afterwards King *Henry* the fifth, and ſo came to *Dublin*, where entring into Counſel how to proceed in the war, he received news out of *England*, of the arrival of the baniſhed Duke of *Lancaſter* at *Ravenſpurgh*, uſurping the Regal authority, and arreſting and putting to death his principal Officers.

Hollingſhead in Richard the 2.

This advertiſement ſuddainly brake off the Kings purpoſe touching the proſecution of the war in *Ireland*, and tranſported him into *England*, where ſhortly after he ended both his Reign and his life. Since whoſe time, until the 39. year of Queen *Elizabeth*, there was never any Army ſent over of a Competent ſtrength or power to ſubdue the Iriſh, but the war was made by the Engliſh Colonies, only to defend their borders; or if any forces

were

were transmitted over, they were sent only to suppress the rebellions of such as were descended of English race, and not to enlarge our Dominion over the Irish.

DUring the Raign of King *Henry* the Fourth, the Lord *Thomas* of *Lancaster*, the Kings second Son, was Lieutenant of *Ireland*, who for the first eight years of that Kings Reign, made the Lord *Scroope*, and others his Deputies, who only defended the Marches with forces levyed within the Land. In the eighth year that Prince came over in person with a small retinue. So as wanting a sufficient power to attempt or perform any great service, he returned within seven moneths after into *England*. Yet during his personal abode there, he was hurt in his own person within one mile of *Dublin*, upon an incounter with the Irish enemy. He took the submissions of *O Birne* of the Mountains, *Mac Mahon*, and *O Rely*, by several Indentures, wherein *O Birne* doth Covenant, that the King shall quietly

Henry 4.

The Lord *Thomas* of *Lancaster* his service.

Archiv. Rememorat. regis apud Westm.

quietly enjoy the Mannor of *New-Caſtle*; *Mac Mahon*, accepteth a State in the *Ferny* for life, rendering ten pound a year; and *O Rely* doth promiſe to perform ſuch duties to the Earl of *March* and *Ulſter*, as were contained in an Indenture dated the 18. of *Richard* the ſecond.

Henry 5. IN the time of K. *Henry* the fifth, there came no forces out of *England*. Howbeit the Lord *Furnival* being the Kings Lieutenant, made a martial circuit, or journey, round about the Marches and Borders of the pale, and brought all the Iriſh to the Kings peace, beginning with the *Birnes*, *Tooles*, and *Cauanaghes* on the South, and ſo paſſing to the *Moores*, *O Connors*, and *O Forals* in the Weſt; and ending with the *O Relies*, *Mac Mahons*, *O Neales*, and *O Hanlons* in the North. He had power to make them ſeek the Kings peace, but not power to reduce them to the Obedience of Subjects: yet this was then held ſo great and worthy a ſervice, as that the Lords and chief Gentlemen

The Lord *Furnival* his ſervice.

Alb. libr. Scacc. Dublin.

tlemen of the Pale, made certificate thereof in French unto the King, being then in *France*: which I have ſeen Recorded in the *White Booke*, of the Exchequer at *Dublin*. Howbeit his Army was ſo ill paid and governed, as the Engliſh ſuffered more damage by the Seſs of his Souldiers (for now that Monſter (*Coigne*, and *Livery*) which the Statute of *Kilkenny* had for a time aboliſhed, was riſen again from hell) than they gained profit or ſecurity, by abating the pride of their enemies for a time.

DUring the minority of King *Henry* the ſixth, and for the ſpace of ſeven or eight years after, the Lieutenants and Deputies made only a bordering war upon the Iriſh, with ſmall and ſcattered forces; howbeit becauſe there came no Treaſure out of *England* to pay the Souldier, the poor Engliſh Subject, did bear the burthen of the men of war in every place, and were thereby ſo weakned and impoveriſhed, as the State of things in *Ireland*, ſtood very deſperately. *Henry* 6.

Whereupon, the Cardinal of *Winchester* (who after the death of *Humfrey* Duke of *Gloceſter*, did wholly ſway the State of *England*) being deſirous to place the Duke of *Somerſet*, in the Regency of *France*, took occaſion to remove *Richard* Duke of *York* from that Government, and to ſend him into *Ireland*, pretending that he was a moſt able and willing perſon, to perform ſervice there, becauſe he had a great inheritance of his own in *Ireland*; namely, the Earldom of *Ulſter*, and the Lordſhips of *Conaght* and *Meth*, by diſcent from *Lionel* Duke of *Clarence*.

Richard Duke of *York* his ſervice.

We do not finde that this great Lord came over with any numbers of waged Soudiers, but it appeareth upon what good terms he took that Government, by the Covenants between the King and him, which are recorded and confirmed by Act of Parliament in *Ireland*, and were to this effect.

Archiu. in Caſtro Dublin.

1. That

1. That he ſhould be the Kings Lieutenant of *Ireland*, for ten years.

2. That to ſupport the charge of that Country, he ſhould receive all the Kings Revenues there, both certain and caſual, without accompt.

3. That he ſhould be ſupplyed alſo with treaſure out of *England*, in this manner; he ſhould have four thouſand Marks for the firſt year, whereof he ſhould be impreſted 2000. li. before hand; and for the other nine years, he ſhould receive 2000. li. *per annum*.

4. That he might Let to Ferm the Kings Lands, and place and diſ-place all Officers at his pleaſure.

5. That he might levy and wage what numbers of men, he thought fit.

6. That he might make a Deputy, and return at his pleaſure.

We cannot preſume that this Prince kept any great army on foot, as well becauſe his means out of *England* were ſo mean, and thoſe ill paid, as appeareth by his paſſionate letter written to the Earl of *Salisbury* his Brother

Hollingshead in Henry the sixth.

in Law; the Copy whereof, is Registred in the Story of this time: as also becauſe the whole Land, except the Engliſh Pale, and ſome part of the Earldome of *Ulſter*, upon the Sea-Coaſts, were poſſeſt by the Iriſh. So as the Revenue of the Kingdom, which he was to receive, did amount to little. He kept the borders and Marches of the Pale with much adoe; he held many Parliaments, wherein ſundry Laws were made, for erecting of Caſtles in *Louth*, *Meath* and *Kildare*, to ſtop the incurſions of the Iriſhry. And becauſe the Souldiers for want of pay were ſeſſed and laid upon the Subjects againſt their wills; upon the prayer and importunity of the Commons, this extortion was declared to be *High-Treaſon*. But to the end, that ſome means might be raiſed to nouriſh ſome forces for defence of the Pale, by another Act of Parliament, every twenty pound Land was charged with the furniſhing and maintenance of one Archer on horſeback,

Rot. Parl. in Caſtro Dublin.

Beſides, the native ſubjects of *Ireland*

land seeing the Kingdom utterly ruined, did pass in such numbers into *England*, as one Law was made in *England*, to transmit them back again; and another Law made here to stop their passage in every Port and Creek. Yet afterwards, the greatest parts of the Nobility and Gentry of *Meth*, past over into *England*, and were slain with him at *Wakefield* in *Yorkshire*. *Archiu. Tur. 17. Hen. 6. Clausam: 20.* *Manuscript of Baron Finglas.*

Lastly, the State of *England* was so farr from sending an army to subdue the Irish at this time, as among the Articles of grievances exhibited by the Duke of *Yorke* against King *Henry* the sixth, this was one; That divers Lords about the King, had caused his Highness to write Letters unto some of his Irish enemies; whereby they were encouraged to attempt the conquest of the said Land. Which Letters, the same Irish enemies had sent unto the Duke; marvailing greatly, that such Letters should be sent unto them, and speaking there in great shame of the Realm of *England*. *Hollingshead in Hen. 6.*

After this, when this great Lord

was returned into *England*, and making claim to the Crown, began the War betwixt the two Houſes; It cannot be conceived, but that the Kingdom fell into a worſe and weaker eſtate.

Edw. 4. How the War was maintained in the time of King *Edw.* 4.

WHen *Edward* the fourth was ſetled in the Kingdome of *England*, he made his Brother *George* Duke of *Clarence*, Lieutenant of *Ireland*. This Prince was born in the Caſtle of *Dublin*, during the Government of his father the Duke of *York*; yet did he never paſs over into this Kingdom, to govern it in perſon, though he held the Lieutenancy many years. But it is manifeſt, that King *Edward* the fourth did not pay any Army in *Ireland* during his Reign; but the Men of War did pay themſelves by taking Coigne and Livery upon the Country: which extortion grew ſo exceſſive and intolerable, as the Lord *Tiptoft* being Deputy to the Duke of *Clarence*, was enforced to execute the Law upon the greateſt Earl in the King-

Hollingſhead in Edw. 4.

Book of *Howth Markſ.*

Kingdom; namely, *Desmond*; who loſt his head at *Droghedagh* for this offence. Howbeit, that the State might not ſeem utterly to neglect the defence of the Pale, there was a fraternity of men at armes, called *the Brother hood of St. George*, erected by Parliament, the 14. of *Edward* the fourth, conſiſting of thirteen the moſt Noble and worthy perſons within the four ſhires. Of the firſt foundation, were *Thomas* Earl of *Kildare*, Sir *Rowland Euſtace*, Lord of *Fort-leſter*, and Sir *Robert Euſtace* for the County of *Kildare*; *Robert* Lord of *Howth*, the Mayor of *Dublin*, and Sir *Robert Dowdal*, for the County of *Dublin*; the Viſcount of *Gormanſton*, *Edward Plunket*, Seneſhal of *Meth*; *Alexander Plunket*, and *Barnabe Barnewale*, for the County of *Meth*, the Mayor of *Droghedagh*, Sir *Lawrence Taaffe*, and *Richard Bellewe*, for the County of *Lowth*. Theſe and their Succeſſors, were to meet yearly upon St. *Georges* day; and to chooſe one of themſelves to be Captain of that Brother-hood, for the next year to

The fraternity of Saint *George* in *Ireland*.

14. of *Edw.* 4. *Rot. Parl. Dublin.*

come. Which Captain, ſhould have at his command, 120. Archers on horſe-back, forty horſemen, and forty Pages, to ſuppreſs Out-laws and rebels. The wages of every Archer, ſhould be ſix pence, *Per diem*; and every Horſeman, five pence, *Per diem*; and four marks, *Per annum*. And to pay theſe entertainments, and to maintain this new fraternity, there was granted unto them by the ſame Act of Parliament a ſubſidy of Poundage, out of all Marchandizes exported or imported thoroughout the Realm (hydes, and the goods of Free-men of *Dublin* and *Droghedah* only excepted. (Theſe 200. men were all the ſtanding forces that were then maintained in *Ireland*. And as they were Natives of the Kingdom, ſo the Kingdom it ſelf did pay their wages without expecting any treaſure out of *England*.

Henry 7. How the war was proſecuted in time of K *Hen. 7.*

BUt now the wars of *Lancaſter* and *York* being ended, and *Henry* the ſeventh being in the actual and peaceable poſſeſſion of the Kingdom of *Eng-*

England, let us ſee if this King did ſend over a Competent Army to make a perfect Conqueſt of *Ireland*. Aſſuredly, if thoſe two Idols or Counterfeits which were ſet up againſt him in the beginning of his Reign, had not found footing and followers in this Land, King *Henry* the ſeventh had ſent neither Horſe nor Foot hither, but let the Pale to the Guard and defence of the Fraternity of *Saint George*, which ſtood till the tenth year of his Reign. And therefore, upon the erection of the firſt Idol, which was *Lambert* the Prieſts Boy, he tranſmitted no Forces, but ſent over Sir *Richard Edgecomb*, with Commiſſion to take an Oath of Allegiance of all the Nobility, Gentry, and Citizens of this Kingdom; which ſervice he performed fully, and made an exact return of his Commiſſion to the King. And immediately after that, the King ſent for all the Lords of Parliament in this Realm; who repairing to his preſence, were firſt in a Kingly manner reproved by him; for among other things he told them, that if their King

Ar[illegible] Remem. Regis a. pud Weſt.

The book of Howth Manuſ.

were

were ſtill abſent from them, they would at length Crown Apes; but at laſt entertained them, and diſmiſſed them graciouſly. This courſe of clemency he held at firſt. But after, when *Perkin Warbeck*, who was ſet up, and ſo lowed chiefly by the *Giraldines* in *Leinſter*, and Citizens of *Cork* in *Munſter*; to ſuppreſs this Counterfeit, the King ſent over Sir *Edward Poynings*, with an Army (as the Hiſtories cal it) which did not conſiſt of a thouſand men by the Poll; and yet it brought ſuch terror with it, as all the Adherents of *Perkin Warbeck* were ſcattered, and retired for ſuccour into the Iriſh Countreys: to the Marches whereof, he marched with his weak Forces, but eft-ſoons returned, and held a Parliament. Wherein among many good Laws, one Act was made, That no Subject ſhould make any War or Peace within the Land, without the ſpecial Licence of the Kings Lieutenant or Deputy. A manifeſt argument, that at that time the bordering Wars in this Kingdom, were made altogether by Voluntaries, upon their own head, with-

Holinſhead in Hen. 7.

Sir *Ed: Poynings* ſervice.

Rot. Parl. in Caſtro Dublin.

without any pay or entertainment, and without any Order or Commiſſion from the State. And though the Lords and Gentlemen of the Pale, in the nineteenth year of this Kings Reign, joyned the famous Battel of *Knocktow* in *Conaght*; wherein *Mac William* with four thouſand of the Iriſh, and degenerate Engliſh were ſlain; yet was not this journey made by Warrant from the King, or upon his charge (as it is expreſſed in the Book of *Howth*) but onely upon a private quarrel of the Earl of *Kildare*: ſo looſly were the Martial affairs of *Ireland* carried, during the Reign of King *Henry* the ſeventh.

The book of *Howth*

The battle of *Knock-tow*.

IN the time of King *Henry* the eighth, the Earl of *Surrey*, Lord Admiral, was made Lieutenant; and though he were the greateſt Captain of the Engliſh Nation then living; yet brought he with him rather an honorable Guard for his perſon, than a competent Army to recover *Ireland*. For he had in his Retinue, two hundred tall Yeomen of the Kings Guard: But becauſe he wanted means

Henry 8.

How the war was carried, during the reign of King *Henry* the eight.

The Earl of *Surries* ſervice.

means to perform any great action, he made means to return the ſooner: yet in the mean time he was not idle, but paſſed the ſhort time he ſpent here, in holding a Parliament, and divers journeys againſt the Rebels of *Leinſter*; inſomuch as he was hurt in his own perſon, upon the borders of *Leix*. After the revocation of this honourable perſonage, King *Henry* the eighth, ſent no Forces into *Ireland*, till the Rebellion of the *Giraldines*, which hapned in the ſeven and twentieth year of his Reign. Then ſent he over Sir *William Skevington*, with five hundred men, onely to quench that fire, and not to enlarge the border, or to rectifie the Government. This Deputy dyed in the midſt of the ſervice, ſo as the Lord *Leonard Gray* was ſent to finiſh it: Who arriving with a ſupply of two hundred men, or thereabouts, did ſo proſecute the Rebels, as the Lord *Garret* their Chieftain, and his five Uncles, ſubmitted themſelves unto him, and were by him tranſmitted into *England*.

The Lord *Leonard Grayes* ſervice.

But this ſervice being ended, that active

active Nobleman with his little Army, and ſome aids of the Pale, did oftentimes repel *O Neal*, and *O Donel*, attempting the invaſion of the Civil Shires, and at laſt made that proſperous fight at *Belahoo*, on the Confines of *Meath*; the memory whereof, is yet famous, as that he defeated (well-nigh) all the power of the North; and ſo quieted the border for many years.

The fight at *Belahoo*.

Book of *Howth. Manuſ.*

Hitherto then it is manifeſt, that ſince the laſt transfretation of King *Richard* the ſecond, the Crown of *England* never ſent over, either numbers of men, or quantities of treaſure, ſufficient to defend the ſmall Territory of the Pale, much leſs to reduce that which was loſt, or to finiſh the Conqueſt of the whole Iſland.

After this, Sir *Anthony St. Leger*, was made chief Governor, who performed great ſervice in a Civil courſe, as ſhall be expreſſed hereafter. But Sir *Edward Bellingham*, who ſucceeded him, proceeded in a Martial courſe againſt the Iriſhry, and was the firſt Deputy, from the time of King *Edward* the third, till the

Sir *Anthony St. Leger.*

Sir *Edw. Bellingham*, in the time of King *Edw.* 6.

the Reign of King *Edward* the ſixth, that extended the border beyond the limits of the Engliſh Pale, by beating and breaking the *Moors* and *Connors*, and building the Forts of *Leix* and *Offaly*. This ſervice he performed with ſix hundred horſe; the monethly charge whereof, did ariſe to ſeven hundred and ſeventy pound. And four hundred foot, whoſe pay did amount to four hundred and forty ſix pound *per menſem* as appeareth upon the Treaſurers Accompt, remaining in the Office of the Kings Remembrancer in *England*. Yet were not theſe Countreys ſo fully recovered by this Deputy, but that *Thomas* Earl of *Suſſex* did put the laſt hand to this work; and rooting out theſe two rebellious *Septs*, planted Engliſh Co'onies in their rooms, which in all the tumu'tuous times ſince, have kept their Habitations, their Loyalty, and Religion.

Archiu: Remem. Regis apud Weſt

Tho: Earl of *Suſſex* in the time of Queen *Mary*.

Queen Elizabeth.

And now are we come to the time of Queen ELIZABETH, who ſent over more men, and ſpent more treaſure to ſave and reduce the Land of *Ireland*,

Ireland, than all her Progenitors ſince the Conqueſt.

DUring her Reign, there aroſe three notorious and main Rebellions, which drew ſeveral Armies out of *England*. The firſt of *Shane O Neal*; the ſecond, of *Deſmond*; the laſt of *Tyrone*; (for the particular inſurrections of the Viſcount *Baltinglaſs*, and Sir *Edmund Butler*; the *Moors*; the *Cavanaghes*; the *Birnes*, and the *Bourkes* of *Conaght*, were all ſuppreſſed by the ſtanding Forces here.) How the war was proſecuted in the time of *Qu Elizabeth.*

To ſubdue *Shane O Neal*, in the height of his Rebellion, in the year, 1566. Captain *Randal* tranſported a Regiment of one thouſand men into *Ulſter*, and planted a Garriſon at *Loughfoile*. Before the coming of which ſupply (*viz.*) in the year 1565. the Liſt of the ſtanding Army of Horſe and foot, Engliſh and Iriſh, did not exceed the number of twelve hundred men, as appeareth by the Treaſurers Accompt of *Ireland*, now remaining in the Exchequer of *England*. With theſe Forces did Sir *Henry* *Shane O Neales* Rebellion. *Archiu. Remem. Regis apud Weſtm.*

Henry Sidney (then Lord Deputy) march into the fartheſt parts of *Tirone*, and joyning with Captain *Randal*, did much diſtreſs (but not fully defeat) *O Neal*, who was afterwards ſlain upon a meer accident by the Scots, and not by the Queens Army.

Deſmonds Rebellion.

TO proſecute the Wars in *Munſter*, againſt *Deſmond* and his Adherents, there were tranſmitted out of *England* at ſeveral times, three or four thouſand men, which together, with the ſtanding Garriſons, and ſome other ſupplies raiſed here, made at one time, an Army of ſix thouſand and upwards: which with the Vertue and Valour of *Arthur* Lord *Gray*, and others the Commanders, did prove a ſufficient power to extinguiſh that Rebellion. But that being done, it was never intended that theſe Forces ſhould ſtand, till the reſt of the Kingdom were ſettled and reduced: onely, that Army which was brought over by the Earl of *Eſſex*, Lord Lieutenant and Governor General of this Kingdom, in the nine and thirtieth year of

Tyrones Rebellion.

of Queen *Elizabeth*, to ſuppreſs the Rebellion of *Tirone*, which was ſpread univerſally over the whole Realm; That Army, I ſay (the command whereof, with the Government of the Realm, was ſhortly after transferred to the command of the Lord *Montjoy*, afterwards Earl of *Devonſhire*, who with ſingular wiſdom, valour, and induſtry, did proſecute and finiſh the War) did conſiſt of ſuch good men of War, and of ſuch numbers, being well-nigh twenty thouſand by the Poll, and was ſo royally ſupplied and paid, and continued in full ſtrength ſo long a time, as that it brake and abſolutely ſubdued all the Lords and Chieftains of the Iriſhry, and degenerate or rebellious Engliſh. Whereupon, the multitude, who ever loved to be followers of ſuch as could maſter and defend them, admiring the power of the Crown of *England*, being bray'd (as it were) in a Morter, with the *Sword*, *Famine*, and *Peſtilence* altogether, ſubmitted themſelves to the Engliſh Government, received the Laws and Magiſtrates, and moſt gladly embraced

the Kings Pardon and Peace in all parts of the Realm, with demonſtration of joy and comfort; which made indeed, an entire, perfect, and final Conqueſt of *Ireland*. And though upon the finiſhing of the War, this great Army was reduced to leſs numbers, yet hath His Majeſtie in his Wiſdom, thought it fit, ſtill to maintain ſuch competent Forces here, as the Law may make her progreſs and Circuit about the Realm, under the protection of the Sword (as *Virgo*, the figure of Juſtice, is by *Leo* in the *Zodiack*) until the people have perfectly learned the Leſſon of Obedience, and the Conqueſt be eſtabliſhed in the hearts of all men.

THus far have I endeavoured to make it manifeſt, that from the firſt adventure and attempt of the Engliſh (to ſubdue and conquer *Ireland*) until the laſt War with *Tyrone*, (which as it was Royally undertaken, ſo it was really proſecuted to the end) there hath been four main defects in the

Four main defects in the proſecution of the War.

the carriage of the Martial Affairs here. First, the Armies for the most part, were too weak for a Conquest: Secondly, when they were of a competent strength (as in both the journeys of *Richard* the second) they were too soon broken up and dissolved: Thirdly, they were ill paid: And fourthly, they were ill governed, which is always a consequent of ill payment.

Why none of the Kings of *England*, before *Qu. Elizabeth*, did finish the conquest of *Ireland*.

But why was not this great work performed, before the latter end of Queen *Elizabeths* Reign, considering that many of the Kings her Progenitors, were as great Captains as any in the World, and had elsewhere larger Dominions and Territories? First, who can tell whether the Divine Wisdom, to abate the glory of those Kings, did not reserve this Work to be done by a Queen, that it might rather appear to be his own immediate work? And yet for her greater Honor, made it the last of her great actions, as it were, to Crown all the rest? And to the end, that a secure peace

might ſettle the Conqueſt, and make it firm and perpetual to Poſterity; cauſed it to be made in that fulneſs of time, when *England* and *Scotland* became to be united under one Imperial Crown; and when the Monarchy of Great *Britany* was in League and Amity with all the World. Beſides, the Conqueſt at this time, doth perhaps fulfil that propheſie, wherein the four great Prophets of *Ireland* do concur, as it is recorded by *Giraldus Cambrenſis*, to this effect, That after the firſt Invaſion of the Engliſh, they ſhould ſpend many ages, in *crebris conflictibus, longoq; certamine & multis cædibus.* And that, *Omnes fere Anglici ab Hibernia turbabuntur: nihilominus orientalia maritima ſemper obtinebunt; Sed vix paulo antè diem Judicii; plenam Anglorum populo victoriam compromittunt; Inſula Hibernica de mari uſque ad mare de toto ſubacta & incaſtellata.* If S. *Patrick* and the reſt did not utter this Propheſie; certainly *Giraldus* is a Prophet, who hath reported it. To this, we may adde the Propheſie of *Merlin*, ſpoken of alſo by *Giraldus*,

Giraldus Cambrenſis.

raldus, Sextus mœnia Hiberniæ ſubvertet, & regiones in Regnum redigentur. Which is performed in the time of King *James* the ſixth; in that all the paces are cleared, and places of faſtneſs laid open, which are the proper Walls and Caſtles of the Iriſh, as they were of the Britiſh in the time of *Agricola*; and withall, the Iriſh Countreys being reduced into Counties, make but one entire and undivided Kingdom.

But to leave theſe high and obſcure cauſes, the plain and manifeſt truth is, that the Kings of *England* in all ages, had been powerful enough to make an abſolute Conqueſt of *Ireland*, if their whole power had been employed in that enterprize: but ſtill there aroſe ſundry occaſions, which divided and diverted their power ſome other way.

How the ſeveral Kings of *England* were diverted from the Conqueſt of *Ireland.*

Let us therefore take a brief view of the ſeveral impediments which aroſe in every Kings time, ſince the firſt Overture of the Conqueſt, whereby they were ſo employed and buſied, as they could not intend the final Conqueſt of *Ireland.*

King *Henry* 2. KIng *Henry* the second, was no sooner returned out of *Ireland*, but all his four Sons conspired with his Enemies, rose in Arms, and moved War against him, both in *France*, and in *England*.

The book of *Howth Manus*. This unnatural Treason of his Sons, did the King express in an Emblem painted in his Chamber at *Winchester*, wherein was an Eagle, with three Eglets tiring on her breast; and the fourth pecking at one of her eyes. And the troth is, these ungracious practises of his Sons, did impeach his journey to the Holy-Land, which he had once vowed, vexed him all the days of his life, and brought his gray hairs with sorrow to the grave. Besides, this King having given the Lordship of *Ireland* to *John* his youngest Son; his ingratitude afterwards made the King careless to settle him in the quiet and absolute possession of that Kingdom.

RIchard the first, which succeeded Henry the second in the Kingdom of *England*, had less reason to bend his power towards the Conquest of this Land, which was given in perpetuity to the Lord *John* his Brother. And therefore, went he in person to the Holy War; by which journey, and his Captivity in *Austria*, and the heavy ransome that he paid for his liberty, he was hindred, and utterly disabled to pursue any so great an action as the Conquest of *Ireland*; And after his delivery and return, hardly was he able to maintain a Frontier War in *Normandy*, where by hard fortune he lost his life. *Rich.* 1.

KIng *John* his Brother, had greatest reason to prosecute the War of *Ireland*, because the Lordship thereof was the portion of his inheritance, given unto him, when he was called *John Sans-Terre*. Therefore, he made two journeys thither; one, when he was Earl of *Morton*, and very young, about twelve years *K. John.*

of age; the other, when he was King, in the twelfth year of his Reign. In the the first, his own youth, and his youthful company, *Roboams* Counsellors, made him hazard the loss of all that his Father had won. But in the latter, he shewed a resolution to recover the entire Kingdom, in taking the submissions of all the Irishry, and settling the estates of the English, and giving order for the building of many Castles and Forts, whereof some remain until this day. But he came to the Crown of *England*, by a defeasible Title, so as he was never well settled in the hearts of the people, which drew him the sooner back out of *Ireland* into *England*: where shortly after, he fell into such trouble and distress; The Clergy cursing him on the one side; and the Barons Rebelling against him on the other, as he became so far unable to return to the Conquest of *Ireland*, as besides the forfeiture of the Territories in *France*, he did in a manner lose both the Kingdoms. For he surrendred both to the Pope, and took them back

again

again to hold in Fee-farm; which brought him into ſuch hatred at home, and ſuch contempt abroad, as all his life time after, he was poſſeſt rather with fear of looſing his head, than with hope of reducing the Kingdom of *Ireland*.

DUring the infancy of *Henry* the third, the Barons were troubled in expelling the French, whom they had drawn in againſt King *John*. But this Prince was no ſooner come to his majority, but the Barons raiſed a long and cruel war againſt him. *Henry* 3.

Into theſe troubled waters, the Biſhops of *Rome* did caſt their Nets, and drew away all the wealth of the realm by their proviſions, and infinite exactions, whereby the Kingdom was ſo impoveriſhed, as the King was ſcarce able to feed his own houſhold and train, much leſs to nouriſh Armies for the conqueſt of Forraign Kingdoms. And albeit he had given this Land to the Lord *Edward* his eldeſt ſon, yet could not that worthy Prince ever find means or op-

portunity to visit this Kingdom in person. For, from the time he was able to bear armes, he served continually against the Barons, by whom he was taken prisoner at the battel of *Lewes*. And when that rebellion was appeased, he made a journey to the Holy Land, (an employment which in those dayes diverted all Christian Princes from performing any great actions in *Europe*) from whence he was returned, when the Crown of *England* descended upon him.

Edw. 1. THis King *Edward* the first, who was a Prince adorned with all vertues, did in the managing of his affairs, shew himself a right good husband, who being Owner of a Lordship ill husbanded, doth first enclose and mannure his demeasnes near his principal house, before he doth improve his wasts afar off. Therefore, he began first to establish the Common-wealth of *England*, by making many excellent Laws, and instituting the form of publick Justice, which remaineth to this day. Next,

he

he fully ſubdued and reduced the Dominion of *Wales*; then by his power and authority he ſetled the Kingdom of *Scotland*; and laſtly, he ſent a Royal army into *Gaſcoigne*, to recover the Dutchy of *Aquitain*. Theſe four great actions, did take up all the raign of this Prince. And therefore, we find not in any Record, that this King tranſmitted any Forces into *Ireland*; but on the other ſide, we find it recorded both in the Annals, and in the Pipe-Rolls of this Kingdom, that three ſeveral Armies were raiſed of the Kings ſubjects in *Ireland*, and tranſported one into *Scotland*, another into *Wales*; and the third into *Gaſcoigne*; and that ſeveral aids were levyed here, for the ſetting forth of thoſe armies.

Archiv. in Caſtro Dublin.

Annales Hiberniæ in Camden.

THE Son and Succeſſor of this excellent Prince, was *Edward* the ſecond, who much againſt his will ſent one ſmall army into *Ireland*; not with a purpoſe to finiſh the Conqueſt, but to guard the perſon of his Minion, *Piers Gaveſton*, who being baniſhed out of

Edw. 2.

England

England, was made Lieutenant of *Ireland*, that ſo his exile might ſeem more honourable.

He was no ſooner arrived here, but he made a journey into the Mountains of *Dublin*; brake and ſubdued the Rebels there; built New-Caſtle in the *Birnes* Country, and repaired *Caſtlekevin*; and after paſſed up into *Mounſter* and *Thomond*, performing every where great ſervice, with much Vertue and Valour. But the King, who could not live without him, revokt him within leſs than a year. After which time the invaſion of the *Scots*, and Rebellion of the Barons, did not only diſable this King to be a Conqueror, but deprived him both of his Kingdom and life. And when the Scottiſh nation had over-run all this land under the conduct of *Edw. le Bruce* (who ſtiled himſelf King of *Ireland*) *England* was not then able to ſend either men or mony to ſave this Kingdom. Only *Roger de Mortimer* then Juſtice of *Ireland*, arrived at *Youghall*, *cum* 38. *milit.* ſaith Friar *Clinn* in his Annals.

Annales Hiberniæ in Camden.

Archiu. in Caſtro Dublin.

Manuſcript of Friar Clinn.

But *Bremingham*, *Verdon*, *Stapleton*, and

and some other private Gentlemen, rose out with the Commons of *Meth* and *Uriel*, and at *Fagher* near *Dondalke*, a fatal place to the enemies of the Crown of *England*, overthrew a potent army of them. *Et sic* (saith the red Book of the Exchequer, wherein the victory was briefly recorded) *per manus communis populi, & dextram dei deliberatur populus dei a servitute machinata & præcogitata.* *Rubr. libr. Scac. Dublin.*

IN the time of King *Edward* the third, the impediments of the Conquest of *Ireland*, are so notorious, as I shall not need to express them; to wit, the war which the King had with the Realms of *Scotland*, and of *France*; but especially the Wars of *France*, which were almost continual for the space of forty years. And indeed, *France* was a fairer mark to shoot at, than *Ireland*, and could better reward the Conqueror. Besides, it was an inheritance newly descended upon the King; and therefore, he had great reason to bend all his power, and spend all his time and treasure in the recovery thereof. And this is the true *Edw.* 3.

cause

cause why *Edward* the third sent no army into *Ireland*, till the 36. year of his Reign, when the Lord *Livnel* brought over a Regiment of 1500. men, as is before expressed: which that wise and warlick Prince did not transmit as a competent power, to make a full conquest, but as an honorable retinue for his son, and withall, to enable him to recover some part of his Earldom of *Ulster*, which was then over-run with the Irish. But on the other part, though the English Colonies were much degenerate in this Kings time, and had lost a great part of their possessions, yet lying at the siege of *Callis*, he sent for a supply of men out of *Ireland*, which were transported under the conduct of the Earl of *Kildare*, and *Fulco de la Freyn*, in the year 1347.

Annales Hiberniæ in Camden.

Rich. 2. AND now are we come again to the time of King *Richard* the second; who for the first ten years of his Reign, was a Minor, and much disquieted with popular Commotions; and after that, was more troubled with the fa-

ction

ctions that arose between his Minions, and the Princes of the blood. But at last, he took a resolution to finish the Conquest of this Realm. And to that end he made two Royal voyages hither. Upon the first, he was deluded by the faigned submissions of the Irish; but upon the latter, when he was fully bent to prosecute the war with effect, he was diverted and drawn from hence by the return of the Duke of *Lancaster*, into *England*, and the general defection of the whole Realm.

As for *Henry* the Fourth, he being an Intruder upon the Crown of *England*, was hindered from all Forraign actions, by sundry Conspiracies and Rebellions at home, moved by the house of *Northumberland* in the North; by the Dukes of *Surrey* and *Exceter* in the South; and by *Owen Glendour* in *Wales*; so as he spent his short Raign in establishing and setling himself in the quiet possession of *England*, and had neither leisure nor opportunity to undertake the final conquest of *Ireland*. *Henry 4.*

Much

Henry 5. Much leſs could King *Henry* the fifth perform that work: for in the ſecond year of his Reign, he tranſported an Army into *France*, for the recovery of that Kingdom, and drew over to the ſiege of *Harfleu*, the Prior of *Kilmainehem*, with 1500. Iriſh. In which great action, this victorious Prince, ſpent the reſt of his life.

Annales Hiberniæ in Camden.

AND after his death, the two Noble Princes his Brothers, the Duke of *Bedford* and *Gloceſter*, who during the *Henry 6.* minority of King *Henry* the ſixth, had the Government of the Kingdoms of *England* and *France*, did employ all their Counſels and endeavours to perfect the Conqueſt of *France*, the greater part whereof being gained by *Henry* the fifth, and retained by the Duke of *Bedford*, was again loſt by King *Henry* the ſixth; a manifeſt argument of his diſability to finiſh the Conqueſt of this Land. But when the civil War between the two Houſes was kindled, the Kings of *England* were ſo far from reducing all the Iriſh under their Obedience

ence, as they drew out of *Ireland* to ſtrengthen their parties, all the Nobility and Gentry deſcended of Engliſh race, which gave opportunity to the Iriſhry, to invade the Lands of the Engliſh Colonies, and did hazard the Loſs of the whole Kingdom. For, though the Duke of *York* did, while he lived in *Ireland*, carry himſelf reſpectively towards all the Nobility, to win the general love of all, bearing equal favour to the *Giraldines* and the *Butlers* (as appeared at the Chriſtning of *George* Duke of *Clarence*, who was born in the Caſtle of *Dublin*, where he made both the Earl of *Kildare*, and the Earl of *Ormonde* his Goſſips:) And having occaſion divers times to paſs into *England*; he left the ſword with *Kildare* at one time, and with *Ormonde* at another: and when he loſt his life at *Wakefield*, there were ſlain with him divers of both thoſe families. Yet afterwards, th ſe two Noble houſes of *Ireland*, did ſeverally follow the two Roval houſes of *England*; the *Giraldines* adhering to the

Holling-ſhead in Hen. 6.

Manuscript of Baron *Finglas*.

house of *York*, and the *Butlers* to the house of *Lancaster*. Whereby it came to pass, that not only the principal Gentlemen of both those Sur-names, but all their friends and dependants did pass into *England*, leaving their Lands and possessions to be over-run by the Irish. These impediments, or rather impossibilities of finishing the Conquest of *Ireland* did continue till the Wars of *Lancaster* and *York* were ended: which was about the twelfth year of King *Edward* the fourth.

Thus hitherto the Kings of *England* were hindred from finishing this Conquest by great and apparent impediments: *Henry* the second, by the rebellion of his Sons: King *John*, *Henry* the third, and *Edward* the second, by the Barons Wars: *Edward* the first by his Wars in *Wales* and *Scotland*: *Edward* the third, and *Henry* the fifth, by the Wars of *France*: *Richard* the second, *Henry* the fourth, *Henry* the sixth, and *Edward* the fourth, by Domestick contention for the Crown of *England* it self.

BUT the fire of the civil war being utterly quenched, and King *Edward* the fourth setled in the peaceable possession of the Crown of *England*, what did then hinder that warlick Prince from reducing of *Ireland* also? First the whole Realm of *England* was miserably wasted, depopulated and impoverished by the late civil dissentions; yet as soon as it had recovered it self with a little peace and rest, this King raised an Army and revived the Title of *France* again: howbeit this Army was no sooner transmitted and brought into the field, but the two Kings also were brought to an interview. Whereupon, partly by the fair and white promises of *Lewis* the 11. and partly by the corruption of some of King *Edwards* Minions, the English forces were broken and dismissed, and King *Edward* returned into *England*, where shortly after finding himself deluded and abused by the French, he dyed with melancholy, and vexation of spirit. *Edw.* 4.

Rich. 3. I Omit to speak of *Richard* the Usurper, who never got the quiet possession of *England*, but was cast out by *Henry* the seventh within two years and a half, after his Usurpation.

Henry 7. AND for King *Henry* the seventh himself, though he made that happy Union of the two houses, yet for more than half the space of his Reign, there were walking spirits of the house of *Yorke*, as well in *Ireland* as in *England*, which he could not conjure down, without expence of some bloud and Treasure. But in his later times, he did wholly study to improve the Revenues of the Crown in both Kingdomes; with an intent to provide means for some great action which he intended: which doubtless, if he had lived, would rather have proved a journey into *France*, than into *Ireland*, because in the eyes of all men, it was a fairer enterprize.

Henry 8. THerefore King *Henry* the eighth, in the beginning of his raign, made

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a Voyage Royal into *France*; wherein he ſpent the greateſt part of that treaſure, which his Father had frugally reſerved; perhaps for the like purpoſe. In the latter end of his Reign, he made the like journey, being enricht with the Revenues of the Abby Lands. But in the middle time between theſe two attempts, the great alteration which he made in the State Eccleſiaſtical, cauſed him to ſtand upon his guard at home; the Pope having ſollicited all the Princes of Chriſtendom to revenge his quarrel in that behalf. And thus was King *Henry* the eighth, detained and diverted from the abſolute reducing of the Kingdom of *Ireland*.

LAſtly, the infancy of King *Edward* the ſixth, and the Coverture of Qu. *Mary* (which are both *Non abilities* in the Law) did in fact diſable them to accompliſh the Conqueſt of *Ireland*. King *Edward* 6. and Qu. *Mary*.

SO as now this great work did remain to be performed by Queen Qu. *Elizabeth*.

ELIZABETH; who though ſhe were diverted by ſuppreſſing the open rebellion in the North; by preventing divers ſecret Conſpiracies againſt her perſon; by giving aids to the *French*, and States of the Low-Countries; by maintaining a Naval war with *Spain*, for many years together: yet the ſundry rebellions, joyned with forraign invaſions upon this Iſland, whereby it was in danger to be utterly loſt, and to be poſſeſſed by the Enemies of the Crown of *England*, did quicken her Majeſties care for the preſervation thereof; and to that end, from time to time during her Reign, ſhe ſent over ſuch ſupplies of men and treaſure, as did ſuppreſs the Rebels, and repell the invaders. Howbeit, before the tranſmitting of the laſt great army, the forces ſent over by Queen *Elizabeth*, were not of ſufficient power to break and ſubdue all the Iriſhry, and to reduce and reform the whole Kingdom; but when the general defection came, which came not without a ſpecial providence for the final good

of

of that Kingdom (though the ſecond cauſes thereof, were the faint proſecution of the War againſt *Tyrone*; the practiſes of Prieſts and Jeſuites, and the expectation of the aids from *Spain*) Then the extream peril of looſing the Kingdom; the diſhonour and danger that might thereby grow to the Crown of *England*; together with a juſt diſdain conceived by that great minded Queen, that ſo wicked and ungratefull a Rebell ſhould prevail againſt *Her*, who had ever been victorious againſt all her enemies, did move, and almoſt enforce her to ſend over that mighty army: and did withall enflame the hearts of the Subiects of *England*, chearfully to contribute towards the maintaining thereof, a Million of ſterling pounds at leaſt; which was done with a purpoſe only to *Save*, and not to *Gain* a Kingdom; To keep and retain that *Soveraignty*, which the Crown of *England* had in *Ireland* (ſuch as it was) and not to recover a more abſolute Dominion. *But, as it falleth out many times, that when*

a house is on fire, the Owner to save it from burning, pulleth it down to the ground; but that pulling down, doth give occasion of building it up again in a better form: So these last Wars, which to save the Kingdome did utterly break and destroy this people, produced a better effect than was at first expected. For, *every Rebellion, when it is suppress, doth make the subject weaker and the Prince stronger.* So, this general revolt, when it was overcome, did produce a general Obedience and Reformation of all the Irishry, which ever before had been disobedient and unreformed; and thereupon ensued the final and full conquest of *Ireland.*

And thus much may suffice to be spoken touching the defects in the martial affairs and the *weak and faint prosecution of the war*; and of the several *Impediments* or *employments*, which did hinder or divert every King of *England* successively, from reducing *Ireland* to their absolute subjection.

IT now remaineth, that we ſhew *the defects of the Civil Policy and Government*, which gave no leſs impediment to the perfection of this Conqueſt. 2. The defects in the Civil Policy & government.

THe firſt of that kind, doth conſiſt in this, *That the Crown of England did not from the beginning give Laws to the Iriſhry*; whereas to give Laws to a conquered people, is the principal mark and effect of a perfect Conqueſt. For, albeit King *Henry* the ſecond, before his return out of *Ireland*, held a Councel or Parliament at *Liſſemore*; *Ubi Leges Angliæ ab omnibus ſunt gratanter receptæ, & Juratoria Cautione præſtita confirmatæ*, as *Matth. Paris* writeth. 1. The Laws of *England* were not given to the meer Iriſh. *Matth. Paris Hiſt. major, fol.* 121.

And though King *John* in the twelfth year of his Reign, did eſtabliſh the Engliſh Laws and Cuſtomes here, and placed Sheriffs and other Miniſters to rule and govern the people, according to the Law of *England*: and to that end, *Ipſe duxit ſecum viros diſcretos & legis peritos, quorum communi conſilio ſtatuit & præcepit, leges Anglicanas teneri in Hibernia*, *Matth. Paris Hiſtor. major.* 220 *b.* 11 *Hen.* 3 *pat. m.* 3.

nia, &c. as we finde it recorded among the Patent Rolls in the Tower, 11 *Hen.* 3. *m.* 3. Though likewise, King *Henry* the third did grant and transmit the like Charter of Liberties to his Subjects of *Ireland*, as himself and his Father had granted to the Subjects of *England*, as appeareth by another Record in the Tower, 1 *Hen.* 3. *Pat.* m. 13. And afterwards, by a special Writ, did command the Lord Justice of *Ireland*, *Quod convocatis Archiepiscopis, Episcopis, Comitibus, Baronibus, &c. Coram eis legi faceret Chartam Regis Johannis, quam ipse legi fecit & jurari à Magnatibus Hiberniæ, de legibus & Constitutionibus Angliæ observandis, & quod leges illas teneant & observent*, 12 *Hen.* 3. *Clauſ. m.* 8. And after that again, the same King by Letters Patents under the Great Seal of *England*, did confirm the Establishment of the English Laws made by King *John*, in this form, *Quia pro Communi utilitate terræ Hiberniæ, ac unitate terrarum, de Communi Consilio provisum sit, quod omnes leges & consuetudines quæ in regno Angliæ tenentur, in Hibernia teneantur, & eadem*

terra

terra ejuſdem legibus ſubjaceat, ac per eaſdem regatur, ſicut Johannes Rex, cum illic eſſet, Statuit & firmiter mandavit; ideo volumus quod omnia brevia de Communi Jure, quæ currunt in Anglia, ſimiliter currant in Hibernia, ſub novo ſigillo noſtro, &c. Teſte meipſo apud Woodſtock, &c. Which Confirmation is found among the Patent Rolls. in the Tower, *Anno* 30. *Hen.* 3. Notwithſtanding, it is evident by all the Records of this Kingdom, that onely the Engliſh Colonies, and ſome few *Septs* of the Iriſhry, which were enfranchiſed by ſpecial Charters, were admitted to the benefit and protection of the Laws of *England*; and that the Iriſh generally, were held and reputed *Aliens*, or rather enemies to the Crown of *England*; inſomuch, as they were not onely diſabled to bring any actions, but they were ſo far out of the protection of the law, as it was often adjudg'd no felony to kill a meer Iriſhman in the time of peace.

30 H. 3. pat. m. 20

The meer Iriſh not admitted to have the benefit of the Laws of *England*.

That the meer Iriſh were reputed *Aliens*, appeareth by ſundry Records; wherein Judgement is demanded, if they ſhall be anſwered in Actions brought by them:

The meer Iriſh reputed Aliens.

them: and likewiſe, by the Charters of Denization, which in all ages were purchaſed by them.

In the Common Plea Rolls of 28 *Edward* the third (which are yet preſerved in *Bremingham's* Tower) this Caſe is adjudged. *Simon Neal* brought an action of Treſpaſs againſt *William Newlagh* for breaking his Cloſe in *Clandalkin*, in the County of *Dublin*; the Defendant doth plead, that the Plaintiff is *Hibernicus, & non de Quinque ſanguinibus*; and demandeth Judgement, if he ſhall be anſwered. The Plaintiff replieth, *Quod ipſe eſt de quinque ſanguinibus (viz.,) De les Oneiles de Ulton, qui per Conceſſionem progenitorum Domini Regis; Libertatibus Anglicis gaudere debent & utuntur, & pro liberis hominibus reputantur.* The Defendant rejoyneth, that the Plaintiff is not of the *Oneals* of *Ulſter*, *Nec de quinque ſanguinibus.* And thereupon they are at iſſue. Which being found for the Plaintiff, he had Judgement to recover his damages againſt the Defendant. By this Record it appeareth, that five principal Bloods, or Septs, of the Iriſhry, were by

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by ſpecial grace enfranchiſed and enabled to take benefit of the Laws of *England*; And that the Nation of *ô Neals* in *Ulſter*, was one of the five. And in the like caſe, 3 of *Edward* the ſecond, among the Plea-Rolls in *Breminghams* Tower: All the five Septs or Bloods, *Qui gaudeant lege Anglicana quoad brevia portanda*, are expreſſed, namely, *Oneil de Ultonia*; *O Molaghlin de Minia*; *O Connoghor de Connacia*; *O Brin de Thotmonia*; & *Mac Murrogh de Lagenia*: And yet I find, that *O Neal* himſelf long after, (*viz.*) in 20 *Edw.* 4. upon his marriage with a Daughter of the houſe of *Kildare* (to ſatisfie the friends of the Lady) was made denizen by a ſpecial Act of Parliament, 20 *Edw.* 4. *C.* 8. *Archiu. in Caſtro Dublin.*

Again, in the 29 of *Edw.* 1. before the Juſtices in *Eire* at *Droghedah*, *Thomas le Botteler* brought an action of *Detinue* againſt *Robert de Almain*, for certain goods. The Defendant pleadeth, *Quod non tenetur ei inde reſpondere, eo quod eſt Hibernicus, & non de libero ſanguine. Et prædictus Thomas dicit, quod Anglicus eſt, & hoc petit quod inquiratur per patriam,* *Archiu. in Caſtro Dublin.*

Ideo

Ideo fiat inde Jurat. &c. Jurat. dicunt ſuper Sacrament' ſuum, quod prædict' Thomas Anglicus eſt, ideo conſideratum eſt quod recuperet, &c.

These two Records among many other, do ſufficiently ſhew, that the Iriſh were diſabled to bring any actions at the Common Law. Touching their Denizations, they were common in every Kings Reign, ſince *Henry* the ſecond, and were never out of uſe, till His Majeſtie that now is, came to the Crown.

Among the Pleas of the Crown of 4 *Edw.* 2. we finde a Confirmation made by *Edward* the firſt, of a Charter of Denization granted by *Henry* the ſecond, to certain *Ooſtmen*, or Eaſterlings, who were Inhabitants of *Waterford* long before *Henry* the ſecond attempted the Conqueſt of *Ireland*. *Edwardus Dei gratia, &c. Juſtitiario ſuo Hiberniæ Salutem: Quia per Inſpectionem Chartæ Dom. Hen. Reg. filii Imperatricis quondam Dom. Hiberniæ proavi noſtri nobis Conſtat, quod Oſtmanni de Waterford legem Anglicorum in Hibernia habere, & ſecundum ipſam legam judicari & deduci debent: vobis man-*

Archiv. in Caſtro Dublin.

mandamus quod Gillicriſt Mac Gilmurrii, Willielmum & Johannem Mac Gilmurrii & alios Oſtmannos de civitate & Comitatu Waterford, qui de prædictis Oſtmannis prædict. Dom. Henr. proavi noſtri originem duxerunt, legem Anglicorum in partibus illis juxta tenorem Chartæ prædict. habere, & eos ſecundum ipſam legem (quantum in nobis eſt, deduci faciatis) donec aliud de Conſilio noſtro inde duxerimus ordinand. In cujus rei, &c. Teſte meipſo apud Adam Burnell. 15. Octobris anno regni noſtri undecimo.

Again, among the Patent Rolls of 1 *Edward* the fourth, remaining in the Chancery here, we finde a Patent of Denization granted the 13 of *Edward* the firſt, in theſe words, *Edwardus Dei gratia, Rex Angliæ, Dom. Hiberniæ, Dux Aquitaniæ, &c. Omnibus Ballivis & fidelibus ſuis in Hibernia, Salutem: Volentes Chriſtopherum filio Donaldi Hibernico gratiam facere ſpecialem, concedimus pro nobis & hæredibus noſtris, quod idem Chriſtopherus hanc habeat libertatem, (viz.) & quod ipſe de cætero in Hibernia utatur legibus*

Archiv. in Caſtro Dublin.

gibus Anglicanis, & prohibemus ne quisquam contra hanc concessionem nostram dictum Christopherum vexet in aliquo vel perturbet. In cujus rei Testimonium, &c. Teste meipso apud Westm. 27. die Junii, anno regni nostri, 13.

In the same Roll, we finde another Charter of Denization, granted in the first of *Edward* the fourth, in a more larger and beneficial form. *Edw. Dei gratia, &c. Omnibus Ballivis, &c. Salutem. Sciatis quod nos volentes Willielmum O Bolgir capellanum de Hibernica Natione existentem, favore prosequi gratioso, de gratia nostra speciali, &c. Concessimus eidem Willielmo, quod ipse liberi sit Status, & liberæ conditionis, & ab omni servitute Hibernicâ liber & quietus, & quod ipse legibus Anglicanis in omnibus & per omnia uti possit & gaudere, eodem modo, quo homines Anglici infrà dictam terram eas habent, & iis gaudent & utuntur, quodque ipse respondeat, & respondeatur, in quibuscunque Curiis nostris: ac omnimod. terras, tenementa, redditus, & servitia perquirere*

Archiu. in Castro Dublin.

rere poſſit ſibi & hæredibus ſuis imperpetuum, &c.

If I ſhould collect out of the Records, all the Charters of this kind, I ſhould make a Volume thereof; but theſe may ſuffice to ſhew, that the meer Iriſh were not reputed free Subjects; nor admitted to the benefit of the Laws of *England*, until they had purchaſed Charters of *Denization*.

That the meer Iriſh were reputed enemies to the Crown.

Laſtly, the meer Iriſh were not onely accounted *Aliens*, but *Enemies*; and altogether out of the Protection of the Law; ſo as it was no capital Offence to kill them; and this is manifeſt by many Records. At a Gaol-delivery at *Waterford*, before *John Wogan* Lord Juſtice of *Ireland*, the fourth of *Edward* the ſecond, we finde it recorded among the Pleas of the Crown of that year, *Quod Robertus le Wayleys rectatus de morte Johannis filii Juan Mac Gillemory felonice per ipſum interfecti, &c Venit & bene cognovit quod prædictum Johannem interfecit: dicit tamen quod pendet ejus interfectionem felonicam committere non potuit, quia dicit, quod prædictus* Archiv. in Caſtro Dublin.

dictus Johannes fuit purus Hibernicus, & non de libero ſanguine, &c. Et cum Dominus dicti Johannis (cujus Hibernicus idem Johannes fuit) die quo interfectus fuit, ſolutionem pro ipſo Johanne Hibernico ſuo ſic interfecto peteve volue-rit, ipſe Robertus paratus erat ad reſpondend' de ſolutione prædict. prout Juſtitia ſuadebit. Et ſuper hoc venit quidam Johannes le Poer, & dicit pro Domino Rege, quod prædict. Iohannes filius Iudr Mac Gillemory, & anteceſſores ſui de cognoſcimine prædict. à tempore quo Dominus Henricus filius Imperatricis, quondam Dominus Hiberniæ, Tritavus Domini Regis nunc, fuit in Hibernia, legem Anglicorum in Hibernia uſque ad hunc diem habere, & ſecundum ipſam legem judicari & deduci debent. And ſo pleaded the Charter of Denization granted to the *Ooſtmen* recited before; All which appeareth at large in the ſaid Record: Wherein we may note, that the killing of an Iriſh man, was not puniſhed by our Law, as Man-ſlaughter, which is Fellony, and Capital, (for our Law did neither protect his life

life, nor revenge his death) but by a Fine or pecuniary punishment, which is called an *Erick*, according to the *Brehon*, or Irish Law.

Again, at a *Gaol-delivery*, before the same Lord Justice at *Limerick*, in the Roll of the same year, we finde, that *Willielmus filius Rogeri rectatus de morte Rogeri de Canteton felonice per ipsum interfecti, venit & dicit, quod felloniam per interfectionem prædictam committere non potuit, quia dicit quod prædict. Rogerus Hibernic. est, & non de libero sanguine; dicit etiam quod prædict. Rogerus fuit de Cognomine de Obederiscal & non de cognonime de Cantetons, & de hoc ponit se super patriam, &c. Et Jurati dicunt super Sacram. suum, quod prædictus Rogerus Hibernicus fuit & de cognonime de Obederiscal & pro Hibernico habebatur tota vita sua: Ideo prædict. Willielmus quoad felloniam prædict. quietus. Sed quia prædictus Rogerus Ottederiscal fuit Hibernicus Domini Regis, prædict. Willielmus recommittatur Gaolæ, quousque plegios invenerit de quinque marcis solvendis* Archiu. in Castro Dublin.

Domino Regi pro ſolutione prædicti Hibernici.

But on the other ſide, if the Jury had found, that the party ſlain had been of Engliſh race and Nation, it had been adjudged Fellony; as appeareth by a Record of 29 of *Edward* the firſt, in the Crown-Office here, *Coram Waltero Lenfant & ſociis ſuis Juſtitiariis Itinerantibus apud Drogheda in Comitatu Louth. Johannes Laurens indictat. de morte Galfridi Douedal venit & non dedicit mortem prædictam: ſed dicit quod prædict. Galfridus fuit Hibernicus, & non de libero ſanguine, & de bono & malo ponit ſe ſuper patriam, &c. Et Jurat. dicunt ſuper Sacram. ſuum quod prædict. Galfridus Anglicus fuit & ideo prædict. Johannes culpabilis eſt de morte Galfridi prædict. Ideo ſuſpend. Catalla* 13. s. *unde Hugo de Clinton Vicecom. reſpondet.*

Archiu. in Caſtro Dublin.

Hence it is, that in all the Parliament Rolls which are extant from the fortieth year of *Edward* the third when the Statutes of *Kilkenny* were enacted, till the Reign of King *Henry*

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the eighth, we finde the degenerate and disobedient English, called *Rebels*; but the Irish which were not in the Kings peace, are called Enemies. *Statute Kilkenny. c.* 1. 10. and 11. 11 *Hen.* 4. *c.* 24. 10 *Hen.* 6. *c.* 1. 18. 18 *Hen.* 6. *c.* 4. 5 *Edw.* 4. *c.* 6. 10 *Hen.* 7. *c.* 17. All these Statutes speak of English Rebels, and Irish Enemies; as if the Irish had never been in condition of Subjects, but always out of the Protection of the Law; and were indeed in worse case than *Aliens* of any Forreign Realm that was in Amity with the Crown of *England.* For, by divers heavy Penal Laws, the English were forbidden to marry, to foster, to make Gossips with the Irish; or to have any trade or commerce in their Markets or Fairs; nay, there was a Law made no longer since, than the 28 year of *Henry* the eighth, that the English should not marry with any person of Irish blood, though he had gotten a Charter of Denization, unless he had done both Homage and Fealty to the King in the Chancery, and were also

Archiu. in Castro Dublin.

Stat. de Kilkenny c. 2. *&* 3. 10 *Hen.* 6. *c.* 1. 28 *Hen.* 8 *c.* 13.

bound by Recognizance with ſureties, to continue a Loyal Subject. Whereby it is manifeſt, that ſuch as had the Government of *Ireland* under the Crown of *England*, did intend to make a perpetual ſeparation and enmity between the Engliſh and the Iriſh; pretendng (no doubt) that the Engliſh ſhould in the end root out the Iriſh; which the Engliſh not being able to do, did cauſe a perpetual War between the Nations: which continued four hundred and odde years, and would have laſted to the Worlds end; if in the end of Queen *Elizabeths* Reign, the Iriſhry had not been broken and conquered by the Sword: And ſince the beginning of his Majeſties Reign, had not been protected and governed by the Law.

But perhaps, the Iriſhry in former times did wilfully refuſe to be ſubject to the Laws of *England*, and would not be partakers of the benefit thereof, though the Crown of *England* did deſire; and therefore, they were

were reputed Aliens, Out-laws, and Enemies. Assuredly, the contrary doth appear, as well by the Charters of Denization purchased by the Irish in all ages, as by a Petition preferred by them to the King, *Anno* 2 *Edward* the third: desiring, that an Act might pass in *Ireland*, whereby all the Irishry might be inabled to use and enjoy the Laws of *England*, without purchasing of particular Denizations: Upon which Petition, the King directed a special Writ to the Lord Justice; which is found amongst the Close-Rolls in the Tower of *London*, in this form: *Rex dilecto & fideli suo Johanni Darcile Mepieu Justic. suo Hiberniæ, Salutem. Ex parte quorundam hominum de Hibernia nobis extitit supplicatum, ut per Statutum inde faciendum concedere velimus, quod omnes Hibernici qui voluerint, legibus utatur Anglicanis: ita quod necesse non habeant super hoc Chartas alienas à nobis impetrare: nos igitur Certiorari volentes si sine alieno præjudicio præmissis annuere valeamus, vobis mandamus quod voluntatem magnatum*

The Irish did desire to be admitted to the benefit and protection of the English Laws, but could not obtain it.

2 *Ed.* 3. *clauſ.* 17.

terræ illius in proximo Parliamento noſtro ibidem tenendo ſuper hoc cum diligentia perſcrutari facias: & de eo quod inde invenieritis una cum Conſilio & adviſamento nobis certificetis, &c. Whereby I collect, that the great Lords of *Ireland* had informed the King, that the Iriſhry might not be naturalized, without damage and prejudice either to themſelves, or to the Crown.

But I am well aſſured, that the Iriſhry did deſire to be admitted to the benefit of the Law, not onely in this Petition exhibited to King *Edward* the third; but by all their ſubmiſſions made to King *Richard* the ſecond, and to the Lord *Thomas* of *Lancaſter* before the Wars of the two Houſes; and afterwards to the Lord *Leonard Grey*, and Sir *Anthony Saint-Leger*, when King *Henry* the eighth began to reform this Kingdom. In particular, the *Birns* of the Mountains, in the 34 of *Henry* the eighth, deſire that their Countrey might be made Shire-ground, and called the County of *Wicklow*: And in the 23 of *Henry* the eighth, *O Donnel* doth Covenant

The Council Book of *Ireland*, 34 Hen 8

mant with Sir *William Skeffington*, *Quod ſi Dominus Rex velit reformare Hiberniam*, (whereof it ſhould ſeem he made ſome doubt) that he and his people would gladly be governed by the Laws of *England*. Only that ungrateful Traytor *Tirone*, though he had no colour or ſhadow of Title to that great Lordſhip, but only by grant from the Crown, and by the Law of *England* (for by the Iriſh Law he had been ranked with the meaneſt of his Sept) yet in one of his Capitulations with the State, he required that no Sheriff might have Juriſdiction within *Tyrone*; and conſequently that the Laws of *England* might not be executed there: Which requeſt, was never before made by *O Neale*, or any other Lord of the Iriſhry, when they ſubmitted themſelves: but contrariwiſe they were humble ſutors to have the benefit and protection of the Engliſh Laws.

What miſchief did grow by not Communicating the Engliſh Laws to the Iriſh.

THis then I note as a great defect in the civil policy of this Kingdom, in that for the ſpace of three hundred and fifty

fifty years at leaſt after the Conqueſt firſt attempted, the Engliſh laws were not communicated to the Iriſh, nor the benefit and protection thereof allowed unto them, though they earneſtly deſired and ſought the ſame. For, as long as they were out of the protection of the Law; ſo as every Engliſh-man might oppreſs, ſpoil, and kill them without controulment, how was it poſſible they ſhould be other than Out-laws and Enemies to the Crown of *England*? If the King would not admit them to the condition of Subjects, how could they learn to acknowledge and obey him as their Soveraign? When they might not converſe or Commerce with any Civil Men, nor enter into any Town or City without peril of their Lives; whither ſhould they flye but into the Woods and Mountains, and there live in a wilde and barbarous manner? If the Engliſh Magiſtrates would not rule them by the Law, which doth puniſh Treaſon, and Murder, and Theft with death; but leave them to be ru'ed by their own Lords and Laws, why ſhould they

they not embrace their own *Brehon* Law, which puniſheth no offence, but with a Fine or *Ericke* ? If the Iriſh be not permitted to purchaſe Eſtates of Free-holds or Inheritance, which might deſcend to their Children, according to the courſe of our Common Law, muſt they not continue their cuſtom of *Taniſtrie* ? which makes all their poſſeſſions uncertain, and brings Confuſion, Barbariſm, and Incivility ? In a word, if the Engliſh would neither in peace Govern them by the Law, nor could in war root them out by the ſword ; muſt they not needs be pricks in their eyes, and thorns in their ſides, till the worlds end ? and ſo the Conqueſt never be brought to perfection.

BUT on the other ſide ; If from the beginning, the Laws of *England* had been eſtabliſhed, and the *Brehon* or Iriſh Law utterly aboliſhed, as well in the Iriſh Countries, as the Engliſh Colonies ; If there had been no difference made between the Nations in point of Juſtice and protection, but all had

What good would have enſued, if the meer Iriſh had been governed by the Engliſh Laws.

had been governed by one Equal, Juſt, and Honourable Law, as *Dido* ſpeaketh in *Virgil*; *Tros, Tyriuſvè mihi nullo diſcrimine habetur.* If upon the firſt ſubmiſſion made by the Iriſh Lords to King *Henry* the ſecond; *Quem in Regem & Dominum receperunt*, ſaith *Matth. Paris*; or upon the ſecond ſubmiſſion made to King *John*, when, *Pluſquam viginti Reguli maximo timore perterriti homagium ei & fidelitatem fecerunt*, as the ſame Author writeth; or upon the third general ſubmiſſion made to King *Richard* the ſecond; when they did not only do Homage and fealty, but bound themſelves by Indentures and Oaths (as is before expreſſed) to become and continue loyal ſubjects to the Crown of *England*; If any of theſe three Kings, who came each of them twice in perſon into this Kingdom, had upon theſe ſubmiſſions of the Iriſhry, received them all, both Lords and Tenants into their immediate protection, divided their ſeveral Countries into Counties; made Sheriffs, Coroners, and Wardens of the peace there-

Three general ſubmiſſi- of the Iriſh.

therein: ſent Juſtices Itinerants half yearly into every part of the Kingdom, as well to puniſh Malefactors, as to hear and determine cauſes between party and party, according to the courſe of the Laws of *England*; taken ſurrenders of their Lands and Territories, and granted Eſtates unto them, to hold by Engliſh Tenures; granted them Markers, Fairs, and other Franchiſes, and erected Corporate Towns among them; (all which, hath been performed ſince his Majeſty came to the Crown,) aſſuredly the Iriſh Countries had long ſince been reformed and reduced to Peace, Plenty, and Civility, which are the effects of Laws and good Government: they had builded Houſes, planted Orchards and Gardens, erected Town-ſhips, and made proviſion for their poſterities; there had been a perfect Union betwixt the Nations, and conſequently, a perfect Conqueſt of *Ireland*. For the Conqueſt is never perfect, till the war be at an end; and the war is not at an end till their be peace and unity; and there

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can never be Unity and Concord in any one Kingdom, but where there is but one King, one Allegiance, and one Law.

The Engliſh Laws were executed only in the Engliſh Colonies.

TRue it is, that King *John* made twelve ſhires in *Leinſter* and *Mounſter*: namely, *Dublin*, *Kildare*, *Meth*, *Vriel*, *Catherlogh*, *Kilkenny*, *Wexford*, *Waterford*, *Corke*, *Limerick*, *Kerrie*, and *Tipperary*. Yet theſe Counties did ſtretch no farther than the Lands of the Engliſh Colonies did extend. In them only, were the Engliſh Laws publiſhed and put in Execution; and in them only did the Itinerant Judges make their circuits and viſitations of Juſtice, and not in the Countries poſſeſſed by the Iriſhry, which contained two third parts of the Kingdom at leaſt. And therefore King *Edward* the firſt, before the Court of Parliament was eſtabliſhed in *Ireland*, did tranſmit the Statutes of *England* in this form: *Dominus Rex mandavit Breve ſuum in hæc verba: Edwardus Dei gratia, Rex Angliæ, Dominus Hiberniæ, &c. Cancellario*

Archiv. in Caſtro Dublin.

lario ſuo Hiberniæ, Salutem. Quædam ſtatuta per nos de aſſenſu Prælatorum, Comitum, Baronum & Communitat. regni noſtri nuper apud Lincolne, & quædam alia ſtatuta poſtmodum apud Eborum facta, quæ in dicta terra noſtra Hiberniæ ad Communem utilitatem populi noſtri ejuſdem terræ obſervari volumus, vobis mittimus ſub ſigillo noſtro, mandantes quod ſtatuta illa in dicta Cancellaria noſtra Cuſtodiri, ac in rotulis ejuſdem Cancellariæ irrotulari, & ad ſingulas placeas noſtras in terra noſtra Hiberniæ, & ſingulos Commitatus ejuſdem terræ mitti faciatis miniſtris noſtris placearum illarum, & Vicecomitibus dictorum Comitatum: mandantes, quod ſtatuta illa coram ipſis publicari & ea in omnibus & ſingulis Articulis ſuis obſervari firmiter faciatis. Teſte meipſo apud Nottingham, &c. By which Writ, and by all the Pipe-Rolls of that time it is manifeſt, that the Laws of *England* were publiſhed and put in execution only in the Counties, which were then made and limited, and not in the Iriſh Countries, which were neglected and

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left wilde; and have but of late years been divided in one and twenty Counties more.

Again, true it is that by the Statute of *Kilkenny*, enacted in this Kingdom, in the fortieth year of King *Edward* the Third, the *Brehon* Law was condemned and abolished, and the use and practice thereof made High-Treason. But this Law extended to the English only, and not to the Irish: For the Law is penned in this form: Item, *Forasmuch as the diversity of Government by divers Laws in one Land, doth make diversity of ligeance and debates between the people, It is accorded and established, that hereafter no English man have debate with another English man, but according to the course of the Common Law; And that no English man be ruled in the definition of their debates, by the March-Law, or the Brehon Law, which by reason ought not to be named a Law, but an evil Custom; but that they be ruled as right is, by the common Law of the Land, as the Lieges of our Sovereign Lord the King; And if any do to the contrary*

Statut. de Kilkenny. c. 4.

and

and thereof be attainted, that he be taken and imprisoned and judged as a Traytor: And that hereafter there be no diversity of ligeance between the English born in Ireland, *and the English born in* England, *but that all be called and reputed English, and the Lieges of our Soveraign Lord the KING*, &c. This Law, was made only to reform the degenerate English, but there was no care taken for the reformation of the meer Irish; no Ordinance, no provision made for the abolishing of their barbarous Customs and manners. Insomuch as the Law then made for Apparel, and riding in Saddles, after the English fashion, is penal only to English men, and not to the Irish. But the *Roman* State, which conquered so many Nations both barbarous and Civil; and therefore knew by experience, the best and readiest way of making a perfect and absolute conquest, refused not to communicate their Laws to the rude and barbarous people, whom they had Conquered; neither did they put them out of their protection, after they had once submitted themselves. But contrariwise,

The Romans did communicate their laws to the nations, which they conquered.

trariwise, it is said of *Julius Cæsar* : *Quâ, vicit, victos protegit, ille manu.* And again, of another Emperor :

Feciſti patriam diverſis gentibus unam,
Profuit invitis te dominante capi ;
Dumq; offers victis proprii conſortia juris,
Urbem feciſti, quod prius orbis erat,

And of *Rome* it ſelf ;

Hæc eſt, in gremium victos quæ ſola recepit,
Humanumque genus communi nomine fovit,
Matris, non dominæ, ritu; Civeſque vocavit,
Quos domuit, nexuſque pio longinqua revinxit.

Tacitus in vita Agricolæ.

Therefore (as *Tacitus* writeth) *Julius Agricola* the *Romane* General in *Brittany*, uſed this policy to make a perfect Conqueſt of our Anceſtours, the ancient *Brittains* ; They were (ſaith he) rude, and diſperſed ; and therefore prone upon every occaſion to make war, but to induce them by pleaſure to quietneſs and reſt, he exhorted them in private, and gave them helps in common, to

to build Temples, Houſes, and places of publick reſort. The Noblemens Sons, he took and inſtructed in the Liberal Sciences, &c. preferring the wits of the *Brittains*, before the Students of *France*; as being now curious to attain the Eloquence of the Romane Language, whereas they lately rejected that ſpeech. After that, the *Roman* Attire grew to be in account, and the *Gown* to be in uſe among them; and ſo by little and little they proceeded to curioſity and delicacies in Buildings and furniture of Houſhould; in Bathes, and exquiſite Banquets; and ſo being come to the heighth of Civility, they were thereby brought to an abſolute ſubjection.

LIkewiſe, our Norman Conqueror, though he oppreſſed the Engliſh Nobility very ſore, and gave away to his ſervitors, the Lands and poſſeſſions of ſuch, as did oppoſe his firſt invaſion, though he cauſed all his Acts of Counſel to be publiſhed in *French*; and ſome legal proceedings and pleadings

William the Conqueror governed both the Normans and the Engliſh under one Law.

dings to be framed and uſed in the ſame tongue, as a mark and badge of a conqueſt; yet he governed All, both Engliſh and Normans, by one and the ſame Law; which was the ancient common Law of *England*, long before the Conqueſt. Neither did he deny any Engliſh Man (that ſubmitted himſelf unto him:) The benefit of that Law though it were againſt a Norman of the beſt rank, and in greateſt favour (as appeared in the notable Controverſie between *Warren* the *Norman*, and *Sherburne* of *Sherburne* Caſtle in *Norfolke*; for the Conqueror had given that Caſtle to *Warren*; yet when the Inheritors thereof, had alledged before the King, that he never boar Armes againſt him; that he was his ſubject, as well as the other, and that he did inherit and hold his Lands, by the rules of that Law, which the King had eſtabliſhed among all his Subjects; The King gave judgment againſt *Warren*, and commanded that *Sherborne* ſhould hold his land in peace. By this means, himſelf obtained a peace-

Camden in Norfolke.

peaceable poſſeſſion of the Kingdom within few years; whereas, if he had caſt all the Engliſh out of his protection, and held them as Aliens and Enemies to the Crown, the Normans (perhaps) might have ſpent as much time in the Conqueſt of *England*, as the Engliſh have ſpent in the Conqueſt of *Ireland*.

K. *Edw.* 1. did communicate the Engliſh laws to the Welſhmen.

THe like prudent courſe hath been obſerved in reducing of *Wales*; which was performed partly by King *Edward* the firſt, and altogether finiſhed by King *Henry* the eighth. For we find by the Statute of *Rutland*, made the 12. of *Edward* the firſt, when the Welſhmen had ſubmitted themſelves, *De alto & Baſſo*, to that King, he did not reject and caſt them off, as Out-lawes and Enemies, but cauſed their Laws and cuſtoms to be examined, which were in many points agreeable to the Iriſh or *Brehon* Law. *Quibus diligenter auditis & plenius intellectis, quaſdam illarum* (ſaith the King in that Ordinance) *Conſilio procerum delevimus; quaſdam*

permiſſimus; quaſdam correximus; ac etiam quaſdam alias adjiciendas & faciend. decrevimus; and ſo eſtabliſhed a Commonwealth among them, according to the form of the Engliſh Government. After this, by reaſon of the ſundry inſurrections of the Barons; the Wars in *France*; and the diſſention between the houſes of *Yorke* and *Lancaſter*, the State of *England*, neglected or omitted the execution of this Statute of *Rutland*; ſo as a great part of *Wales* grew wilde and barbarous again. And therefore King *Henry* the eighth, by the Statutes of 27. and 32. of his raign, did revive and recontinue that Noble work begun by King *Edward* the firſt; and brought it indeed to full perfection; For he united the Dominion of *Wales*, to the Crown of *England*, and divided it into Shires, and erected in every Shire, one Burrough, as in *England*; and enabled them to ſend Knights and Burgeſſes to the Parliament; eſtabliſhed a Court of Preſidency, and ordained that Juſtices of Aſſiſe, and *Gaol-delivery*, ſhould make their

their half year circuits there, as in *England*; made all the Laws and Statutes of *England*, in force there; and among other Welſh Cuſtoms, aboliſhed that of *Gavel-kinde*: whereby the Heirs-Females were utterly excluded, and the Baſtards did inherit, as well as the Legitimate, which is the very Iriſh *Gavel-kinde*. By means whereof; that entire Country in a ſhort time was ſecurely ſetled in peace and Obedience, and hath attained to that Civility of Manners, and plenty of all things, as now we find it not inferiour, to the beſt parts of *England*.

I will therefore knit up this point with theſe concluſions; Firſt, that the Kings of *England*, which in former Ages attempted the Conqueſt of *Ireland*, being ill adviſed and counſelled by the great men here, did not upon the ſubmiſſions of the Iriſh, communicate their Laws unto them, nor admit them to the ſtate and condition of Free-ſubjects: Secondly, that for the ſpace of 200. years at leaſt, after the firſt arrival of *Henry* the ſecond

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in *Ireland*, the Iriſh would gladly have embraced the Laws of *England*, and did earneſtly deſire the benefit and protection thereof; which being denyed them, did of neceſſity cauſe a continual bordering war between the Engliſh and the Iriſh. And laſtly, if according to the examples before recited, they had reduced as well the Iriſh Countries, as the Engliſh Colonies, under one form of civil government (as now they are,) the Meers and Bounds of the Marches and Borders, had been long ſince worne out and forgotten, (for it is not fit, as *Cambrenſis* writeth) that a King of an Iſland ſhould have any Marches or Borders, (but the four Seas) both Nations had been incorporated and united; *Ireland* had been entirely Conquered, Planted, and Improved; and returned a rich Revenue to the Crown of *England*.

Giraldus Cambrenſis. l. 2. de Hibernia expugnata.

2. The Lands conquered from the Iriſh were not well diſtributed.

THE next error in the Civil policy which hindered the perfection of the Conqueſt of *Ireland*, did conſiſt in

in the *Diſtribution* of the Lands and Poſſeſſions which were won and conquered from the Iriſh. For, the *Scopes of Land* which were granted to the firſt Adventures, *were too large*; and the *Liberties* and *Royalties*, which they obtained therein, *were too great for Subjects*: though it ſtood with reaſon that they ſhould be rewarded liberally out of the fruits of their own Labours, ſince they did *Militare propriis ſtipendiis*, and received no pay from the Crown of *England*. Notwithſtanding there enſued divers inconveniences, that gave great impediment to the Conqueſt.

The proportions of Land granted to the firſt Adventurers were too large. *Giraldus Cambrenſis*; l. 2. *de Iiibernia expugnata.*

FIrſt, the Earl *Strongbow* was entituled to the whole Kingdom of *Leinſter*; partly by Invaſion, and partly by Marriage; albeit, he ſurrendred the ſame entirely to King *Henry* the ſecond his Soveraign; for that with his licenſe he came over; and with the Ayd of his Subjects, he had gained that great inheritance; yet did the King regrant back again to him and his Heirs all that Province, reſerving onely the City of *Dublin*,

In Arch. Tur. 5 Ed. 3. eſcheat numero 104.

Dublin, and the Cantreds next adjoyning, with the Maritime Towns, and principal Forts and Caſtles. Next, the ſame King granted to *Robert Fitz-Stephen*, and *Miles Cogan*, the whole Kingdom of *Cork*, from *Liſmore* to the Sea. To *Phillip Bruce*, he gave the whole Kingdom of *Limerick*, with the Donation of Biſhopwricks, and Abbies (except the City, and one Cantred of land adjoyning.) To Sir *Hugh de Lacy*, all *Meath*. To Sir *John de Courcy*, all *Ulſter*. To *William Burke Fitz-Adelm*, the greateſt part of *Conaght*. In like manner, Sir *Thomas de Clare*, obtained a grant of all *Thomond*; and *Otho de Grandiſon* of all *Tipperary*; and *Robert le Poer*, of the Territory of *Waterford*, (the City it ſelf, and the Cantred of the Oaſtmen only excepted.) And thus was all *Ireland* Cantonized among ten perſons of the Engliſh Nation; and though they had not gained the poſſeſſion of one third part of the whole Kingdom, yet in Title they were Owners and Lords of all, ſo as nothing was left to be granted to the Natives. And therefore

2 Johan. Chart. m. 15. & m. 38.

6 Johan. Chart. m. 1.

7 Johan. Chart. m. 12 & n. 109.

6 Edw. 1. Chart. m. 19.

18 Ed. 1. m. 29.

Girald. Cambr. l. 2. de Hibernia expug.

All Ireland diſtributed to ten perſons of the Engliſh Nation.

fore we do not find in any Record or ſtory for the ſpace of three hundred years, after theſe Adventurers firſt arrived in *Ireland*, that any Iriſh Lord obtained a grant of his Country from the Crown, but onely the King of *Thomond*, who had a grant but during King *Henry* the third his Minority: and *Rotherick O Connor*, King of *Conaght*, to whom King *Henry* the ſecond, before this diſtribution made, did grant (as is before declared.) *Ut ſit Rex ſub eo*; and moreover, *Ut teneat terram ſuam Conactiæ ita bene & in pace, ſicut tenuit antequam Dominus Rex intravit Hiberniam.* And whoſe Succeſſor, in the 24 of *Henry* the third, when the *Bourkes* had made a ſtrong Plantation there, and had wellnigh expelled him out of his Territory, he came over into *England*, (as *Matth. Paris* writeth) and made complaint to King *Henry* the third of this Invaſion made by the *Bourkes* upon his Land, inſiſting upon the grants of King *Henry* the ſecond, and King *John*; and affirming, that he had duely paid an yearly tribute of five thouſand marks for his Kingdom.

6 H. 3. Chart. m. 2.

Hovend. in H. 2. fol. 302. Archiu. tur. 17 Johan. Chart. m. 3.

6 Johan. Clauſ. m. 18.

Matth. Paris in Henry the third

Kingdom. Whereupon, the King called unto him the Lord *Maurice fitz-Girald*, who was then Lord Juſtice of *Ireland*, and Preſident in the Court; and commanded him that he ſhould root out that unjuſt plantation, which *Hubert* Earl of *Kent* had in the time of his greatneſs, planted in thoſe parts; and wrote withal to the great men of *Ireland* to remove the *Bourks*, and to eſtabliſh the King of *Conaght* in the quiet poſſeſſion of his Kingdom. Howbeit, I do not read, that the King of *Englands* commandment or direction in this behalf was ever put in execution. For, the troth is; *Richard de Burgo* had obtained a grant of all *Conaght*, after the death of the King of *Conaght*, then living. For which he gave a thouſand pound, as the Record in the Tower reciteth, the third of *Henry* the third, *clauſ.* 2. And beſides, our great Engliſh Lords could not endure that any Kings ſhould Reign in *Ireland*, but themſelves; nay, they could hardly endure that the Crown of *England* it ſelf, ſhould have any Juriſdiction or Power over them.

3 *Hen.* 3.

For

For many of these Lords, to whom our Kings had granted these petty Kingdoms, did by vertue and colour of these Grants, claim and exercise *Jura Regalia* within their Territories; insomuch, as there were no less than eight Counties Palatines in *Ireland* at one time.

The liberties granted to the first Adventurers were too great. Eight Counties Palatines in *Ireland* at one time.

For *William Marshal*, Earl of *Pembroke*, who married the Daughter and Heir of *Strongbow*, being Lord of all *Leinster*, had Royal Jurisdiction thoroughout all that Province. This great Lord had five sons, and five daughters; every of his sons enjoyed that Seigniory successively, and yet all dyed without issue. Then this great Lordship was broken and divided, and partition made between the five daughters, who were married into the Noblest Houses of *England*. The County of *Catherlough* was allotted to the eldest; *Wexford* to the second; *Kilkenny* to the third; *Kildare* to the fourth; the greatest part of *Leix*, now called the *Queens County*, to the fifth: In every of these portions, the Coparceners severally exercised the same Jurisdiction Royal, which

Annales Hibernia in Camden.

In Arch. Tur. 1. Edw. 3. Escheat n. 28.

which the Earl Marſhal and his Sons had uſed in the whole Province. Whereby it came to paſs, that there were five County Palatines erected in *Leinſter*. Then had the Lord of *Meath* the ſame Royal liberty in all that Territory; the Earl of *Ulſter* in all that Province; and the Lord of *Deſmond* and *Kerry* within that County. All theſe appear upon Record, and were all as ancient as the time of King *John*; onely the liberty of *Tipperary*, which is the onely Liberty that remaineth at this day, was granted to *James Butler* the firſt Earl of *Ormond*, in the third year of King *Edward* the third.

Five Counties Palatines in *Leinſter*.

Archiu. in Caſtro Dublin.

Archiu. Tur. par. 3. E. 3. m. 28.

Theſe abſolute Palatines made Barons and Knights, did exerciſe high Juſtice in all points within their Territories, erected Courts for Criminal and Civil Cauſes, and for their own Revenues; in the ſame form, as the Kings Courts were eſtabliſhed at *Dublin*; made their own Judges, Seneſhals, Sheriffs, Coroners, and Eſcheators; ſo as the Kings Writ did not run in theſe Counties (which took up more than

Archiu. in Caſtro Dublin.

than two parts of the Engliſh Colonies) but onely in the Church Lands lying within the ſame, which were called the *Croſs*, wherein the King made a Sheriff: And ſo, in each of theſe Counties Palatines, there were two Sheriffs; One, of the *Liberty*; and another of the *Croſs*: As in *Meath* we find a Sheriff of the Liberty, and a Sheriff of the Croſs: And ſo in *Ulſter*, and ſo in *Wexford*: And ſo at this day, the Earl of *Ormond* maketh a Sheriff of the Liberty, and the King a Sheriff of the Croſs of *Tipperary*. Hereby it is manifeſt, how much the Kings Juriſdiction was reſtrained, and the power of theſe Lords enlarged by theſe High Priviledges. And it doth further appear, by one Article among others, preferred to King *Edward* the third, touching the Reformation of the ſtate of *Ireland*, which we find in the Tower, in theſe words, *Item les Franchefes grantes in Ireland, que ſont Roialles, telles come Dureſme & Ceſtre, vous ouſtont cybien de les profits, Come de graunde partie de Obeiſance des perſons enfranchefes; & en*

que-

queſcun frencheſe eſt Chancellerie, Chequer & conuſans de pleas, cybien de la Coronne, Come autres communes, & grantont auxi Charters de pardon; & ſont ſouent per ley et reaſonable cauſe ſeiſſes en voſtre main, a grand profit de vous; & leigerment reſtitues per maundement hors de Englettere, a damage, &c. Unto which Article, the King made anſwer, *Le Roy voet que les francheſe que ſont et ſerront per juſte cauſe priſes en ſa main, ne ſoent my reſtitues, auant que le Roy ſoit certifie de la cauſe de la priſe de icelles, 26 Ed. 3. clauſ. m. 1.* Again, theſe great Undertakers, were not tied to any form of Plantation, but all was left to their diſcretion and pleaſure. And although they builded Caſtles, and made Free-holders, yet were there no Tenures or Services reſerved to the Crown; but the Lords drew all the reſpect and dependancy of the common people, unto *Themſelves.* Now let us ſee what inconveniences did ariſe by theſe large and ample Grants of Lands and Liberties, to the firſt Adventurers in the Conqueſt.

Aſſuredly

ASſuredly by theſe Grants of whole Provinces, and petty Kingdoms, thoſe few Engliſh Lords pretended to be Proprietors of all the Land, ſo as there was no poſſibility left of ſettling the Natives in their Poſſeſſions, and by conſequence the conqueſt became impoſſible, without the utter extirpation of all the Iriſh; which theſe Engliſh Lords were not able to do, nor perhaps willing, if they had been able. Notwithſtanding, becauſe they did ſtill hope to become Lords of thoſe Lands which were poſſeſſed by the Iriſh, whereunto they pretended Title by their large Grants; and becauſe they did fear, that if the Iriſh were received into the Kings protection, and made Liege-men and Free-Subjects, the State of *England* would eſtabliſh them in their Poſſeſſions by Grants from the Crown; reduce their Countreys into Counties, ennoble ſome of them; and enfranchiſe all, and make them ameſueable to the Law, which would have abridged and cut off a

The inconveniences which grew by the large grants of lands & liberties.

great part of that greatneſs which they had promiſed unto themſelves: they perſwaded the King of *England*, that it was unfit to communicate the Laws of *England* unto them; that it was the beſt policy to hold them as Aliens and Enemies, and to proſecute them with a continual War. Hereby they obtained another Royal Prerogative and Power: which was, to make War and Peace at their pleaſure, in every part of the Kingdom. Which gave them an abſolute command over the bodies, lands, and goods of the Engliſh Subjects here. And beſides, the Iriſh inhabiting the lands fully conquered and reduced, being in condition of Slaves and Villains, did render a greater Profit and Revenue, than if they had been made the Kings Free-Subjects.

The Engliſh Lords in *Ireland* made war & peace at their pleaſure.

And for theſe two cauſes laſt expreſſed, they were not willing to root out all the Iriſhry. We may not therefore marvel, that when King *Edward* the third, upon the Petition of the Iriſh (as is before remembred) was deſirous

sirous to be certified, *De voluntate magnatum suorum in proximo Parliamento in Hibernia tenend. si sine alieno præjudicio concedere possit, quod per statut. inde fact. Hibernici utantur legibus Anglicanis, sive Chartis Regiis inde Impetrandis*, that there was never any Statute made to that effect. For the troth is, that those great *English* Lords did to the uttermost of their power, cross and withstand the enfranchisement of the Irish, for the causes before expressed; Wherein I must still clear and acquit the Crown and State of *England*, of negligence or ill policy, and lay the fault upon the Pride, Covetousness, and ill counsel of the English planted here, which in all former ages have been the chief impediments of the final conquest of *Ireland*.

The war and dissention of the English Lords one with another.

AGain, those large scopes of Land, and great Liberties, with the absolute power to make War and Peace, did raise the English Lords to that height of Pride and Ambition, as that they could not endure one another,

but grew to a mortal War and Diſſention among themſelves: as appeareth by all the Records and Stories of this Kingdom. Firſt, in the year 1204. the *Lacies* of *Meath*, made War upon Sir *John Courcy*; who having taken him by treachery, ſent him priſoner into *England*. In the year 1210. King *John* coming over in perſon, expelled the *Lacies* out of the Kingdom, for their Tyrannie and oppreſſion of the Engliſh; howbeit, upon payment of great Fines, they were afterward reſtored. In the year 1228. that family being riſen to a greater heighth (for *Hugh de Lacy* the younger, was created Earl of *Ulſter*, after the death of *Courcy* without iſſue) there aroſe diſſention and War between that houſe, and *William Marſhal* Lord of *Leinſter*; whereby all *Meath* was deſtroyed and laid waſte. In the year 1264. Sir *Walter Bourke* having married the Daughter and Heir of *Lacy*, whereby he was Earl of *Ulſter* in right of his Wife, had mortal debate with *Maurice Fitz-Morice* the *Geraldine*, for certain

Annales Hiberniæ in Camd.

tain Lands in *Conaght*. So as all *Ireland* was full of Wars between the *Bourkes* and the *Geraldines* (ſay our Annals.) Wherein *Maurice Fitz-Morice* grew ſo inſolent, as that upon a meeting at *Thiſtledermot*, he took the Lord Juſtice himſelf, Sir *Richard Capel*, Priſoner, with divers Lords of *Munſter* being then in his Company. In the year, 1288. *Richard Bourke*, Earl of *Ulſter*, (commonly called the *Red* Earl) pretending title to the Lordſhip of *Meath*, made war upon Sir *Theobald de Verdun*, and beſieged him in the Caſtle of *Athlone*. Again, in the year, 1292. *John Fitz-Thomas* the *Geraldine*, having by contention with the Lord *Veſci*, gotten a goodly inheritance in *Kildare*, grew to that heighth of imagination (ſaith the ſtory) as he fell into difference with divers great Noblemen; and among many others, with *Richard* the Red Earl, whom he took Priſoner, and detained him in *Caſtle-Ley*; and by that diſſention, the Engliſh on the one ſide, and the Iriſh on the other, did waſte and deſtroy all the Countrey. *Annales Hiberniæ in Caml.*

Annales Johan. Clyn. Manuſc.

After, in the year, 1311. the ſame Red Earl (coming to beſiege *Bonratty* in *Thomond*, which was then held by Sir *Richard de Clare* as his inheritance) was again taken priſoner; And all his Army (conſiſting for the moſt part of Engliſh) overthrown and cut in pieces, by Sir *Richard de Clare*. And after this again, in the year, 1327. moſt of the great Houſes were banded one againſt another, (*viz.*) The *Giraldines*, *Butlers*, and *Breminghams*, on the one ſide, and the *Bourks* and *Poers* on the other. The ground of the quarrel being none other, but that the Lord *Arnold Poer*, had called the Earl of *Kildare* Rimer: But this quarrel was proſecuted with ſuch malice and violence, as the Counties of *Waterford* and *Kilkenny* were deſtroyed with fire and ſword, till a Parliament was called of purpoſe, to quiet this diſſention.

Shortly after, the Lord *John Bremingham*, who was not long before made Earl of *Louth*, for that noble ſervice which he performed upon the Scots, between *Dundalk* and the *Faher*, was

ſo

ſo extremely envied by the *Gernons*, *Verdons*, and others of the ancient Colony, planted in the County of *Louth*, as that in the year, 1329. they did moſt wickedly betray and murther that Earl, with divers principal Gentlemen of his name and family; uſing the ſame ſpeech that the Rebellious Jews are ſaid to uſe in the Goſpel:

Nolumus hunc regnare ſuper nos.

After this, the *Geraldines* and the *Butlers* being become the moſt potent families in the Kingdom (for the great Lordſhip of *Leinſter* was divided among Coparceners, whoſe Heirs for the moſt part lived in *England*; and the Earldom of *Vlſter*, with the Lordſhip of *Meath*, by the match of *Lionel* Duke of *Clarence*, at laſt diſcended upon the Crowne) had almoſt a continuall warre one with another. In the time of King *Henry* the ſixt (ſaith Baron *Finglas* in his Diſcourſe of the Decay of *Ireland*,) in a fight betweene the Earles of *Ormond* and *Deſmond*, almoſt *Baron Finglas, Manuſc.*

all the Towneſ-men of *Kilkenny* were ſlaine. And as they followed contrary parties during the Warres of *Yorke* and *Lancaſter*, ſo after that civil diſſention ended in England, theſe Houſes in Ireland continued their oppoſition and feud ſtill, even till the time of K. *Henry* the eight; when by the Marriage of *Margaret Fitz-Girald* to the Earl of *Oſſory*, the houſes of *Kildare* and *Ormond* were reconciled, and have continued in amity ever ſince.

Thus theſe great Eſtates and Royalties granted to the Engliſh Lords in *Ireland*, begate Pride; and Pride, begat Contention among themſelves, which brought forth divers miſchiefs, that did not onely diſable the Engliſh to finiſh the conqueſt of all *Ireland*, but did endanger the loſs of what was already gained; And of Conquerors, made them Slaves to that Nation which they did intend to Conquer. For, whenſoever one Engliſh Lord had vanquiſhed another, the Iriſh waited and took the opportunity, and fell upon that Countrey which had received

ceived the blow; and ſo daily recovered ſome part of the Lands, which were poſſeſſed by the Engliſh Colonies.

Beſides, the Engliſh Lords to ſtrengthen their parties, did ally themſelves with the Iriſh, and drew them in, to dwell among them, gave their Children to be foſtered by them; and having no other means to pay or reward them, ſuffered them to take Coigne and Livery upon the Engliſh Free-holders; which Oppreſſion was ſo intollerable, as that the better ſort were enforced to quit their Free-holds and flye into *England*; and never returned, though many Laws were made in both Realms, to remand them back again: and the reſt which remained, became degenerate and meer Iriſh, as is before declared. And the Engliſh Lords finding the Iriſh exactions to be more profitable than the Engliſh Rents and ſervices; and loving the Iriſh Tyranny, which was tyed to no Rules of *Law* or *Honour*, better than a juſt and lawful Seigniory, did reject and caſt off the Engliſh Law and Government, received the Iriſh

Stat. 10. *H.*7.*c.*4.

Rot. Parl. in caſtro Dublin.

Laws

Laws and Cuſtoms, took Iriſh Surnames, as *Mac William*, *Mac Pheris*, *Mac Toris*, refuſed to come to the Parliaments which were ſummoned by the King of *Englands* Authority, and ſcorned to obey thoſe Engliſh Knights which were ſent to command and govern this Kingdom; Namely, Sir *Richard Capel*, Sir *John Morris*, Sir *John Darcy*, and Sir *Raphe Vfford*. And when Sir *Anthony Lucy*, a man of great Authority in the time of King *Edward* the third, was ſent over to reform the notorious abuſes of this Kingdom, the King doubting that he ſhould not be obeyed, directed a ſpecial Writ or Mandate to the Earl of *Vlſter*, and the reſt of the Nobility to aſſiſt him. And afterwards, the ſame King (upon good adviſe and Counſel) reſumed thoſe exceſſive Grants of Lands and Liberties in *Ireland*, by a ſpecial ordinance made in *England*, which remaineth of Record in the Tower, in this form: *Quia plures exceſſivæ donationes terrarum & libertatum in Hibernia ad ſubdolam machinationem petentium factæ ſunt*, &c.

Baron Finglas, Manuſcript.

Archiu. Tur. 5. Ed. 3. clauſ. m. 4.

Rex

Rex delusorias hujusmodi machinationes volens elidere, de consilio peritorum sibi assistentium, omnes donationes Terrarum & libertatum prædict. duxit revocandas, quousque de meritis donatoriorum & causis ac qualitatibus donationum melius fuerit informat. & ideo mandatum est Justiciario Hiberniæ quod seisiri faciat, &c. Howbeit, there followed upon this resumption, such a division and faction between the English of Birth, and the English of blood and race, as they summoned and held several Parliaments apart one from the other. Whereupon, there had risen a general war betwixt them, to the utter extinguishing of the English Name and Nation in *Ireland*, if the Earl of *Desmond*, who was head of the faction against the English of Birth, had not been sent into *England*, and detained there for a time: yet afterwards, these liberties being restored by direction out of *England*, the 26. of *Edward* the third complaint was made to the King of the easie restitution; whereunto the King made answer, as is before expressed:

Archiv. 15. Ed. 3. claus. m. 4.

Annales Hiberniæ in Camden.

ſed: ſo as we may conclude this poi
with that which we find in the An
nals, publiſhed by Maſter *Camden*: H
bernici debellati & conſumpti fuiſſent
niſi ſeditio Anglicorum impediviſſe
Whereunto I may add this note, tha
though ſome are of opinion, tha
Grants of extraordinary Honours an
Liberties made by a King to his Sub
jects, do no more diminiſh his great
neſs, than when one Torch lighte
another; for it hath no leſs light, tha
it had before, *Quis vetat appoſito l*
men de lumine ſumi? Yet many time
inconveniences do ariſe thereupon
and thoſe Princes have held up thei
Soveraignty beſt, which have bee
ſparing in thoſe Grants. And truly
as theſe Grants of little Kingdoms,
and great Royalties, to a few private
perſons, did produce the miſchiefs
ſpoken of before: So the true cauſe
of the making of theſe Grants, did
proceed from this; That the Kings of
England being otherwiſe employed
and diverted, did not make the Con-
queſt of *Ireland*, *their own work*, and
un-

The firſt Adventurers obtained theſe liberal Grants, becauſe the Kings of *England* did not proſecute the war at their own charge.

undertake it not royally at their own charge; but as it was first begun by particular Adventurers, so they left the prosecution thereof, to them, and other voluntaries, who came to seek their fortunes in *Ireland*; wherein if they could prevail, they thought that in reason and honour they could do no less, than make them proprietors of such scopes of Land as they could conquer, people, and plant at their own charge, reserving only the Soveraign Lordship to the Crown of *England*. *But if the Lyon had gone to hunt himself, the shares of the Inferiour Beasts had not been so great:* If the invasion had been made by an army transmitted, furnished, and supplyed only at the Kings charges, and wholly paid with the Kings Treasure, as the Armies of Queen *Elizabeth*, and King *James* have been; as the conquest had been sooner atchieved, so the servitors had been contented with lesser proportions.

For, when *Scipio*, *Pompey*, *Cæsar*, and other Generals of the *Roman* Armies, as *Subjects* and *Servants* of that State,

How the State of *Rome* rewarded their men of war.

State, and with the publick charge had conquered many Kingdoms and Commonweals, we find them rewarded with Honourable Offices and Triumphes at their return; and not made Lords and proprietors of whole Provinces and Kingdoms, which they had subdued, to the Empire of *Rome*. Likewise when the Duke of *Normandy* had conquered *England*, which he made his own work, and performed it in his own person, he distributed sundry Lordships and Manno:s unto his followers, but gave not away whole Shires and Countreys in demeasne to any of his servitors, whom he most desired to advance. Only, he made *Hugh Lupus* County Palatine of *Chester*, and gave that Earldom to him and his Heirs, to hold the same, *Ita liberè ad gladium, sicut Rex tenebat Angliam ad Coronam.* Whereby that Earldom indeed had a royal Jurisdiction and Seigniory, though the Lands of that County in demeasne, were possessed for the most part by the ancient Inheritors.

William the Conqueror.

Camden in *Chester.*

Again, from the time of the Norman

man Conqueſt, till the raign of King *Edward* the firſt, many of our Engliſh Lords, made war upon the Welſhmen at their own charge; the Lands which they gained they held to their own uſe, were called *Lords Marchers*, and had Royal Liberties within their Lordſhips. Howbeit, theſe particular Adventurers, could never make a perfect Conqueſt of *Wales*. *Wales* diſtributed to the L. *Marchers.*

But when King *Edward* the firſt, came in perſon with his army thither, kept his reſidence and Court there; made the reducing of *Wales*, an enterprize of his own; he finiſhed that work in a year or two, whereof the *Lords Marchers* had not performed a third part, with their continual bordering war, for two hundred years before. And withall we may obſerve, that though this King had now the Dominion of *Wales* in *Jure proprietatis*, as the Statute of *Rutland* affirmeth; which before was ſubject unto him, but in *Jure feodali*: And though he had loſt divers principal Knights and Noblemen in that war, yet did he not reward his ſervi-

creators

tors with whole Countries or Counties, but with particular Mannors and Lordſhips: as to *Henry Lacy* Earl of *Lincolne*, he gave the Lordſhip of *Denbigh*; and to *Reignold Gray*, the Lordſhip of *Ruthen*, and ſo to others. And if the like courſe had been uſed in the winning and diſtributing the lands of *Ireland*, that Iſland had been fully conquered before the continent of *Wales* had been reduced. But the troth is, when Private men attempt the Conqueſt of Countries at their own charge, commonly their enterprizes do periſh without ſucceſs: as when, in the time of Queen *Elizabeth*, Sir *Thomas Smith*, undertook to recover the *Ardes*: and *Chatterton*, to reconquer then *Fues* and *Orier*. The one loſt his Son; and the other, Himſelf; and both their Adventures came to nothing. And as for the Crown of *England*, it hath had the like fortune in the Conqueſt of this land, as ſome purchaſers have; who deſire to buy land at too eaſie a Rate: they finde thoſe cheap purchaſes ſo full of trouble, as they ſpend twice

twice as much as the Land is worth, before they get the quiet poſſeſſion thereof.

And as the beſt pollicy was not obſerved in the diſtribution of the conquered Lands; ſo as I conceive, that the firſt Adventurers, intending to make a full Conqueſt of the Iriſh, were deceived in the choiſe of the *fitteſt places for their plantation.* For they ſate down, and erected their Caſtles and Habitations in the *Plains and open Countries*; where they found moſt fruitful and profitable Lands, and turned the Iriſh into the *Woods and Mountains*: Which, as they were proper places for Out-Laws and Thieves, ſo were they their Natural Caſtles and Fortifications; thither they drave their preys and ſtealths: there they lurkt, and lay in wait to do miſchief. Theſe faſt places they kept unknown, by making the wayes and Entries thereunto impaſſible; there they kept their Creaghts or Heardes of Cattle, living by the milke of the Cow, without Husbandry or Tillage; there they en-

creaſed and multiplied unto infinite numbers by promiſcuous generation among themſelves; there they made their Aſſemblies and Conſpiracies without diſcovery: But they diſcovered the weakneſs of the Engliſh dwelling in the open plains; and thereupon made their ſallies and retreats with great advantage. Whereas, on the other ſide, if the Engliſh had builded their Caſtles and Towns in thoſe places of faſtneſs, and had driven the Iriſh into the Plains and open Countries, where they might have had an eye and obſervation upon them, the Iriſh had been eaſily kept in Order, and in ſhort time reclaimed from their wildeneſs; there they would have uſed Tillage, dwelt together in Town-ſhips, and learned Mechanical Arts and Sciences. The woods had been waſted with the Engliſh Habitations, as they are about the Forts of *Maribo-rough* and *Philipſton*, which were built in the faſteſt places in *Leinſter*, and the wayes and paſſages throughout *Ireland*, would have been as clear and

open

open, as they are in *England* at this day.

AGain, if King *Henry* the Second, who is ſaid to be the King that Conquered this Land, had made Forreſts in *Ireland*, as he did enlarge the Forreſts in *England* (for it appeareth by *Charta de Foreſta*, that he afforreſted many woods and waſts, to the grievance of the Subject, which by that Law were diſafforreſted,) or if thoſe Engliſh Lords, amongſt whom the whole Kingdom was divided, had been good Hunters, and had reduced the Mountains, Boggs, and Woods within the limits of Forreſts, Chaſes, and Parks; aſſuredly, the very Forreſt Law, and the Law *de Maleſactoribus in parcis*, would in time have driven them into the Plains and Countries inhabited and manured, and have made them yield up their faſt places to thoſe wilde Beaſts, which were indeed leſs hurtful and wilde than they. But it ſeemeth ſtrange to me, that in all the Records of this

The Engliſh Lords did not reduce the woods and waſts in Forreſts and Parks. *Chart. de foreſt.* c. 2. & 3.

Kingdom, I feldom find any mention made of a Forreſt; and never of any Parke or Free-warren; conſidering the great plenty both of *Vert* and Veniſon within this Land; and that the chief of the Nobility and Gentry are deſcended of Engliſh race; and yet at this day, there is but one Parke ſtored with Deer in all this Kingdom: which is a Parke of the Earl of *Ormonds*, neer *Kilkenny*. It is then manifeſt, by that which is before expreſſed; that the not communicating of the Engliſh laws to the Iriſh; the over large Grants of Lands and Liberties to the Engliſh; the plantation made by the Engliſh in the Plains and open Countries, leaving the Woods and Mountains to the Iriſh, were great Defects in the Civil pollicy, and hindered the perfection of the Conqueſt very much. Howbeit, notwithſtanding theſe Defects and Errours, the Engliſh Colonies ſtood and maintained themſelves in a reaſonable good eſtate, as long as they retained their own ancient Laws and cuſtoms, according to

that of *Ennius*: *Moribus antiquis res ſtat Romana viriſque.* But when the civil Government grew ſo weak and ſo looſe, as that the Engliſh Lords would not ſuffer the Engliſh laws to be put in execution within their Territories and Seigniories, but in place thereof, both they and their people, embraced the Iriſh cuſtoms: Then the eſtate of things, *like a Game at Triſh*, was ſo turned about, as the Engliſh, which hoped to make a perfect Conqueſt of the Iriſh, were by them perfectly and abſolutely conquered; becauſe *victi victoribus leges dedere. A juſt puniſhment to our Nation, that would not give Laws to the Iriſh, when they might: and therefore now the Iriſh gave Laws to them.* Therefore, this Defect and failing of the Engliſh Juſtice, in the Engliſh Colonies; and the inducing of the Iriſh cuſtoms in lieu thereof, was the main impediment that did arreſt and ſtop the courſe of the Conqueſt; and was the only mean that enabled the Iriſhry to recover their ſtrength again.

The Engliſh Colonies rejected the Engliſh laws and cuſtoms, and embraced the Iriſh.

The Nature of Irish Customs.

FOr, if we consider the Nature of the Irish Customs, we shall find that the people, which doth use them, must of necessity be Rebels to all good Government, destroy the commonwealth wherein they live, and bring Barbarisme and desolation upon the richest and most fruitfull Land of the World. For, whereas by the just and Honourable Law of *England*, and by the Laws of all other well-governed Kingdoms and Commonweals, Murder, Man-slaughter, Rape, Robbery, and Theft, are punished with death; By the Irish Custom, or *Brehon* Law, the highest of these offences was punished only by Fine, which they called an *Ericke*. Therefore, when Sir *William Fitz-Williams*, (being Lord Deputy,) told *Maguyre*, that he was to send a Sheriff into *Fermannagh*, being lately before made a County; your Sheriff (said *Maguyre*) shall be welcome to me, but let me know his *Ericke*, or *the price of his head* afore hand; that if my people cut it off, I may cut the Ericke upon the Countrey. As for

The Irish laws and customs, differing from the laws and customs of all civil Nations.

The Irish law in criminal causes.

Op-

Oppreſſion, Extortion, and other treſpaſſes, the weaker had never any remedy againſt the ſtronger: whereby it came to paſs, that no man could enjoy his Life, his Wife, his Lands or Goods in ſafety, if a mightier man than himſelf had an appetite to take the ſame from him. Wherein they were little better than *Cannibal*, who do hunt one another; and he that hath moſt ſtrength and ſwiftneſs, doth eat and devour all his fellowes.

Again, in *England*, and all well ordered Common-weals, Men have certain eſtates in their Lands and poſſeſſions, and their inheritances deſcend from Father to Son, which doth give them encouragement to build, and to plant, and to improve their Lands, and to make them better for their poſterities. But by the Iriſh Cuſtom of *Taniſtry*, the Chieftanes of every Country, and the chief of every Sept, had no longer eſtate than for life in their Cheeſeries, the inheritance whereof, did reſt in no man. And theſe Cheeferies, though they

The Iriſh Cuſtom of Tanistry.

had ſome portions of Lands allotted unto them, did conſiſt chiefly in cuttings and Coſheries, and other Iriſh exactions, whereby they did ſpoile and impoveriſh the people at their pleaſure. And when their Chieftanes were dead, their Sons or next heirs did not ſucceed them, but their *Taniſtes*, who were Elective, and purchaſed their elections by ſtrong hand; And by the Iriſh Cuſtom of Gavelkinde, the inferiour Tennanties were partible amongſt all the Males of the Sept, both Baſtards and Legitimate: and after partition made, if any one of the Sept had dyed, his portion was not divided among his Sons, but the chief of the ſept, made a new partition of all the Lands belonging to that Sept, and gave every one his part according to his antiquity.

The Iriſh Cuſtome of Gavelkind.

The miſchiefs that ariſe by theſe two cuſtoms.

THeſe two Iriſh Cuſtoms made all their poſſeſſions uncertain, being ſhuffled, and changed, and removed ſo often from one to another, by new elections and partitions; which uncertainty

certainty of eſtates, hath been the true cauſe of ſuch Deſolation and Barbariſm in this Land, as the like was never ſeen in any Countrey, that profeſſed the name of Chriſt. For though the Iriſhry be a Nation of great Antiquity, and wanted neither wit nor valour; and though they had received the Chriſtian Faith, above 1200 years ſince; and were lovers of Muſick, Poetry, and all kinde of Learning; and poſſeſſed a Land abounding with all things neceſſary for the civil life of man; yet (which is ſtrange to be related) they did never build any houſes of brick or ſtone (ſome few poor Religious Houſes excepted) before the Reign of King *Henry* the ſecond, though they were Lords of this Iſland for many hundred years before, and ſince the Conqueſt attempted by the Engliſh: Albeit, when they ſaw us build Caſtles upon their borders, they have onely in imitation of us, erected ſome few piles for the Captains of the Countrey: yet I dare boldly ſay, that never any particular perſon, either before or ſince, did build

any

any ſtone or brick houſe for his private habitation; but ſuch as have lately obtained eſtates, according to the courſe of the Law of *England*. Neither did any of them in all this time, plant any Gardens or Orchards, incloſe or improve their Lands, live together in ſettled Villages or Towns, nor made any proviſion for poſterity; which being againſt all common ſenſe and reaſon, muſt needs be imputed to thoſe unreaſonable Cuſtoms, which made their eſtates ſo uncertain and tranſitory in their poſſeſſions.

For, who would plant or improve, or build upon that Land, which a ſtranger, whom he knew not, ſhould poſſeſs after his death? For that (as *Salomon* noteth) is one of the ſtrangeſt vanities under the Sun. And this is the true reaſon why *Ulſter*, and all the Iriſh Countreys are found ſo waſte and deſolate at this day; and ſo would they continue till the worlds end, if theſe cuſtoms were not aboliſhed by the Law of *England*.

Again, that Iriſh cuſtom of Gavilkinde,

kinde, did breed another miſchief; for thereby, every man, being born to Land, as well Baſtard, as Legitimate, they all held themſelves to be Gentlemen. And though their portions were never ſo ſmall, and themſelves never ſo poor (*For Gavel-kinde muſt needs in the end make a poor Gentility*) yet did they ſcorn to deſcend to Husbandry or Merchandize, or to learn any Mechanical Art or Science. And this is the true cauſe why there were never any Corporate Towns erected in the Iriſh Countries. As for the Maritime Cities and Towns, moſt certain it is, that they were built and peopled by the *Ooſtmen* or *Eaſterlings*: for the Natives of *Ireland* never performed ſo good a work, as to build a City. Beſides, theſe poor Gentlemen were ſo affected unto their ſmall portions of Land, as they rather choſe to live at home by Theft, Extortion, and Coſhering, than to ſeek any better fortunes abroad: which encreaſed their *Septs* or *Sirnames* into ſuch numbers, as there are not to be found in any Kingdom of *Europe*, ſo many Gentlemen of one

one Blood, Family, and Sirname, a
there are of the *Oneals* in *Ulster*; of th
Bourks, in *Conaght*; of the *Geraldine*
and *Butlers*, in *Munster* and *Leinster*.
And the like may be said of the inferior
Bloods and Families; whereby it came
to pass in times of Trouble and Dis-
sention, that they made great parties
and factions, adhering one to another,
with much constancy; because they
were tied together, *Vinculo sanguinis*;
whereas Rebels and Malefactors, which
are tied to their Leaders by no band
either of Duty or blood, do more easi-
ly break and fall off one from ano-
ther. And besides, their co-habita-
tion in one Countrey or Territory,
gave them opportunity suddenly to as-
semble, and conspire, and rise in mul-
titudes against the Crown. And even
now, in the time of peace, we finde
this inconvenience, that there can hard-
ly be an indifferent trial had between
the King and the Subject, or between
party and party, by reason of this gene-
ral Kindred and Consanguinity.

But

BUT the moſt wicked and michievous cuſtom of all others, was that of *Coigne* and *Livery*, often before mentioned; which conſiſted in taking of *Mans-meat*, *Horſe-meat*, and *Money*, of all the inhabitants of the Countrey, at the will and pleaſure of the Souldier, who as the phraſe of Scripture is, *Did eat up the people as it were bread*; for that he had no other entertainment. This Extortion was originally Iriſh, for they uſed to lay *Bonaght* upon their people, and never gave their Souldier any other pay. But when the Engliſh had learned it, they uſed it with more inſolency, and made it more intollerable; for this oppreſſion was not temporary, or limited either to place or time; but becauſe there was every where a continual War, either Offenſive, or Defenſive; and every Lord of a Countrey, and every Marcher made War and Peace at his pleaſure, it became univerſal and perpetual; and was indeed the moſt heavy oppreſſion, that ever was uſed in any Chriſtian, or Heathen

The wicked cuſtoms of *Coigne* and *Livery*.

The miſchiefs that did ariſe by *Coigne* and *Livery*.

one Blood, Family, and Sirname, as there are of the *Oneals* in *Ulster*; of the *Bourks*, in *Conaght*; of the *Geraldines* and *Butlers*, in *Munster* and *Leinster*. And the like may be said of the inferior Bloods and Families; whereby it came to pass in times of Trouble and Dissention, that they made great parties and factions, adhering one to another, with much constancy; because they were tied together, *Vinculo sanguinis*; whereas Rebels and Malefactors, which are tied to their Leaders by no band either of Duty or blood, do more easily break and fall off one from another. And besides, their co-habitation in one Countrey or Territory, gave them opportunity suddenly to assemble, and conspire, and rise in multitudes against the Crown. And even now, in the time of peace, we finde this inconvenience, that there can hardly be an indifferent trial had between the King and the Subject, or between party and party, by reason of this general Kindred and Consanguinity.

But

BUT the moſt wicked and michievous cuſtom of all others, was that of *Coigne* and *Livery*, often before mentioned; which conſiſted in taking of *Mans-meat*, *Horſe-meat*, and *Money*, of all the inhabitants of the Countrey, at the will and pleaſure of the Souldier, who as the phraſe of Scripture is, *Did eat up the people as it were bread*; for that he had no other entertainment. This Extortion was originally Iriſh, for they uſed to lay *Bonaght* upon their people, and never gave their Souldier any other pay. But when the Engliſh had learned it, they uſed it with more inſolency, and made it more intollerable; for this oppreſſion was not temporary, or limited either to place or time; but becauſe there was every where a continual War, either Offenſive, or Defenſive; and every Lord of a Countrey, and every Marcher made War and Peace at his pleaſure, it became univerſal and perpetual; and was indeed the moſt heavy oppreſſion, that ever was uſed in any Chriſtian, or Heathen

The wicked cuſtoms of *Coigne* and *Livery*.

The miſchiefs that did ariſe by *Coigne* and *Livery*.

then Kingdom. And thefore, *Vox oppreſſorum*, this crying ſin, did draw down as great, or greater plagues upon *Ireland*, than the oppreſſion of the *Iſraelites* did draw upon the Land of *Egypt*. For the plagues of *Egypt*, though they were grievous, were but of a ſhort continuance. But the plagues of *Ireland*, laſted four hundred years together. This Extortion of *Coigne* and *Livery*, did produce two notorious effects. Firſt, it made the Land waſte; Next, it made the people idle. For, when the Husbandman had laboured all the year, the Souldier in one night, did conſume the fruits of all his labour, *Longique perit labor irritus anni*. Had he reaſon then to manure the Land for the next year? Or rather might he not complain as the Shepherd in *Virgil*:

The cauſe of idleneſs in the Irish.

Impius hæc tam culta novalia miles habebit?
Barbarus has ſegetes? En quo diſcordia cives
Perduxit miſeros? En queis conſevimus agros?

And

AND hereupon of neceſſity came depopulation, baniſhment, and extirpation of the better ſort of Subjects: and ſuch as remained, became idle, and lookers on, expecting the event of thoſe miſeries and evil times: So as this extream Extortion and Oppreſſion, hath been the true cauſe of the idleneſs of this Iriſh Nation; and that rather the vulgar ſort have choſen to be Beggars in Forreign Countreys, than to manure their own fruitful Land at home. Why the Iriſh are Beggars in forreign Countrys

Laſtly, this oppreſſion did of force and neceſſity make the Iriſh a crafty people: for ſuch as are oppreſſed and live in ſlavery, are ever put to their ſhifts; *Ingenium mala ſæpe movent*; And therefore, in the old Comedies of *Plautus* and *Terence*, the Bondſlave doth always act the cunning and crafty part. Beſides, all the common people have a whining tune or Accent in their ſpeech, as if they did ſtill ſmart or ſuffer ſome oppreſſion. And this idleneſs, together with fear of imminent miſchiefs, which Why the Iriſh are reputed a crafty people. Why the Iriſh are inquiſitive after news.

which did continually hang over their heads, have been the cauſe, that the Iriſh were ever the moſt inquiſitive people after news, of any Nation in the World. As S. *Paul* himſelf made obſervation upon the people of *Athens*; that they were an idle people, and did nothing but learn and tell news. And becauſe theſe News-carriers, did by their falſe intelligence, many times raiſe troubles and rebellions in this Realm, the Statute of *Kilkenny*, doth puniſh News-tellers) by the name of *Skelaghes*) with fine and ranſome.

This Extortion of *Coigne* and *Livery*, was taken for the maintenance of their men of War; but their Iriſh exactions extorted by the Chieftains and *Taniſts*, by colour of their barbarous Seignory, were almoſt as grievous a burthen as the other; namely *Coſherings*, which were viſitations and progreſſes made by the Lord and his followers, among his Tenants: wherein he did eat them (as the Engliſh Proverb is) *Out of Houſe and home*. *Seſſings* of the *Kern*, of his family, called *Kernety*, of his Horſes and

Coſherings.

Seſſings.

and Horſe-boys; of his Dogs and Dog-boys, and the like: And laſtly, *Cuttings*, *Tallages*, or *Spendings*, high or low, at his pleaſure; all which, made the Lord an abſolute Tyrant, and the Tennant a very Slave and Villain; and in one reſpect more miſerable than Bond-ſlaves. *For commonly the Bondſlave is fed by his Lord, but here the Lord was fed by his Bondſlave.* *Cuttings.*

Laſtly, there were two other Cuſtoms proper and peculiar to the Iriſhry, which being the cauſe of many ſtrong Combinations and Factions, do tend to the utter ruine of a Commonwealth: The one, was *Foſtering*; the other, *Goſſipred*; both which have ever been of greater eſtimation among this people, than with any other Nation in the Chriſtian World. For *Foſtering*, I did never hear or read, that it was in that uſe or reputation in any other Countrey, Barbarous or Civil, as it hath been, and yet is, in *Ireland*: where they put away all their children to Fosterers: the potent and rich men *Sellings*; the meaberiſort *Buying*, the al-

terage of their Children; and the reason is, becauſe in the opinion of this people, *Foſtering* hath always been a ſtronger alliance than *Blood*; and the Foſter-Children do love, and are beloved of their Foſter-Fathers, and their Sept, more than of their own natural Parents and Kindred; and do participate of their means more frankly, and do adhere unto them in all Fortunes, with more affection and conſtancy. And though *Tully* in his Book of Friendſhip doth obſerve, that children of Princes being ſometimes in caſes of neceſſity, for ſaving of their lives delivered to Shepherds to be nouriſhed and bred up, when they have been reſtored to their great fortunes, have ſtill retained their love and affection to their Foſterers, whom for many years they took to be their Parents: yet this was a rare caſe, and few examples are to be found thereof.

But ſuch a general cuſtom in a Kingdom, in giving and taking children to Foſter, making ſuch a firm alliance as it doth in *Ireland*, was never

ver ſeen or heard of, in any other Countrey of the World beſides.

THE like may be ſaid of *Goſſipred*, or *Compaternity*, which though by the Canon Law, it be a Spiritual affinity, and a Juror that was Goſſip to either of the parties, might in former times have been challenged, as not indifferent by our Law, yet there was no Nation under the Sun, that ever made ſo Religious account thereof, as the Iriſh. *Goſſipred*

Now theſe two Cuſtoms, which of themſelves are indifferent in other Kingdoms, became exceeding evil and full of miſchief in this Realm, by reaſon of the inconveniences which followed thereupon. For, they made (as I ſaid before) ſtrong parties and factions, whereby the great men were enabled to oppreſs their Inferiors, and to oppoſe their Equals: and their followers were born out and countenanced in all their lewd and wicked actions: For Foſterers and Goſſips by the common cuſtom of *Ireland*,

were to maintain one another in all causes lawful, and unlawful; which as it is a Combination and Confederacy punishable in all well-govern Commonweals, so was it not one of the least causes of the common misery of this Kingdom.

I omit their common repudiation of their Wives; their promiscuous generation of Children; their neglect of lawful Matrimony; their uncleanness in Apparel, Diet, and Lodging; and their contempt and scorn of all things necessary for the civil life of man.

How the English Colonies became degenerate.

These were the Irish Customs, which the English Colonies did embrace and use, after they had rejected the Civil and Honorable Laws and Customs of *England*, whereby they became Degenerate and Metamorphosed like *Nebuchadnezzar*: who although he had the face of a man, had the heart of a beast; or like those who had drunk of *Circes* Cup, and were turned into very Beasts; and yet took such pleasure in their beastly manner of

of life, as they would not return to their ſhape of men again. Inſomuch, as within leſs time than the age of a man, they had no marks or differences left amongſt them of that Noble Nation, from which they were deſcended. For, as they did not onely forget the Engliſh Language, and ſcorn the uſe thereof, but grew to be aſhamed of their very Engliſh Names, though they were Noble and of great Antiquity; and took Iriſh *Sirnames* and *Nick-names*. Namely, the two moſt potent Families of the *Bourks* in *Conaght* (after the Houſe of the Red Earl failed of Heirs males,) called their Chiefs, *Mac William Eighter*, and *Mac William Onghter*. In the ſame Province, *Bremingham*, *Baron* of *Athenrie*, called himſelf *Mac Torik*. *Dexeceſter* or *De'exon*, was called *Mac Jordan*. *Mangle*, or *de Angulo*, took the name of *Mac Coſtelo*. Of the Inferior families of the *Bourkes*, one was called *Mac Hubbard*, another *Mac David*. In *Munſter*, of the great Families of the *Geraldines* planted there; one was called *Mac Morice*,

chief of the Houſe of *Lixnaw*; and another, *Mac Gibbon*, who was alſo called the *White Knight*. The chief of the Baron of *Dunboynes* houſe, who is a branch of the Houſe of *Ormond*, took the Sirnames of *Mac Pheris*. *Condon* of the County of *Waterford*, was called *Mac Maioge*: and the *Arch-deacon* of the County of *Kilkenny*, *Mac Odo*. And this they did in contempt and hatred of the Engliſh Name and Nation; whereof theſe degenerate families became more mortal enemies, than the meer Iriſh. And whereas the State and Government being grown weak by their defection, did to reduce them to Obedience, grant them many Protections and Pardons (*The cheapneſs whereof, in all ages, hath brought great diſhonor and damage to this Commonweal*) they grew ſo ungrateful and unnatural, as in the end they ſcorned that grace and favour, becauſe the acceptance thereof, did argue them to be ſubjects, and they deſired rather to be accounted Enemies, than Rebels to the Crown of *England*.

Here-

Hereupon was that old Verſe made, which I finde written in the White Book of the Exchequer, in a hand as ancient as the time of King *Edward* the third. *Alb. libr. Scacc. Dubl.*

By granting Charters of peas,
To falſe Engliſh withouten les,
This Land ſhall be mich undoo.
But Goſſipred, and alterage,
And leeſing of our Languge,
Have mickely holp theretoo.

And therefore, in a Cloſe Roll in the Tower, bearing this title, *Articuli in Hibernia obſervandi*: we finde theſe two Articles among others. 1. *Juſticiarius* 5 *Ed.* 3. *m.* 25. *Hiberniæ non concedat perdonationes de morte hominis, nec de Roberiis, ſeu incendiis, & quod de cætero certificet dominum regem de nominibus petentium.* 2. *Item, Quod nec Juſticiarius nec aliquis Magnas Hiberniæ concedat protectiones alicui contra pacem Regis exiſtent. &c.* But now it is fit to look back and conſider when the old Engliſh Colonies became ſo degenerate; and in what

age they fell away into that Iriſh Barbariſm, rejecting the Engliſh Laws and Cuſtomes. Aſſuredly, by comparing the ancient Annales of *Ireland*, with the Records remaining here, and in the Tower of *London*, I do finde that this general defection, fell out in the latter end of the Reign of King *Edward* the ſecond, and in the beginning of the Reign of King *Edward* the third. And all this great Innovation, grew within the ſpace of thirty years: within the compaſs of which time, there fell out divers miſchievous accidents, whereby the whole kingdom was in a manner loſt. For firſt, *Edward de Bruce* invaded *Ireland* with the Scottiſh Army, and prevailed ſo far, as that he poſſeſſed the Maritime parts of *Ulſter*, marched up to the walls of *Dublin*, ſpoiled the Engliſh Pa'e, paſſed thorough *Leinſter* and *Munſter*, as far as *Limerick*, and was Maſter of the field in every part of the Kingdom.

When & how the Engliſh Colonies became degenerate.

The Scots overrun *Ireland*.

This hapned in the tenth year of King *Edward* the ſecond, at what time the Crown of *England* was weaker, and ſuffered

ſuffered more diſhonour in both Kingdoms, than it did at any time ſince the *Norman* Conqueſt. Then did the State of *England* ſend over *John de Hotham* to be Treaſurer here, with commiſſion to call the great Lords of *Ireland* together; and to take of them an Oath of Aſſociation, that they ſhould loyally joyn together in life and death to preſerve the right of the King of *England*, and to expel the common enemy. But this Treaſurer brought neither men, nor mony, to perform this ſervice. *Annales Hiberniæ in Camden.*

At that time, though *Richard Bourk* Earl of *Ulſter* (commonly called the Red Earl) were of greater power than any other Subject in *Ireland*, yet was he ſo far ſtricken in years, as that he was unable to manage the martial affairs, as he had done during all the raign of King *Edward* the firſt: having been General of the Iriſh forces, not only in this Kingdom, but in the Wars of *Scotland*, *Wales*, and *Gaſcoign*. And therefore, *Maurice Fitz-Thomas* of *Deſmond*, being then the moſt active Noble man in this Realm, took upon him the *Deſmond* chief commander in the war againſt the Scots.

the chief command in this War: for the ſupport whereof, the Revenue of this Land was farr too ſhort, and yet no ſupply of Treaſure was ſent out of *England*.

When and how the extortion of Coign and Livery began among the Engliſh.

Then was there no means to maintain the Army, but by Seſſing the Soldiers upon the Subject, as the Iriſh were wont to impoſe their *Bonaught*. Whereupon, grew that wicked Extortion of *Coigne* and *Livery* ſpoken of before, which in ſhort time baniſhed the greateſt part of the Free-holders out of the County of *Kerry*, *Limerirk*, *Corke*, and *Waterford*; Into whoſe poſſeſſions, *Deſmond* and his Kinſemen, Allies, and Followers, which were then more Iriſh than Engliſh, did enter and appropriate theſe Lands unto themſelves, *Deſmond* himſelf taking what ſcopes he beſt liked for his demeaſnes in every Countrey, and reſerving an Iriſh Seigniory out of the reſt. And here, that I may verifie and maintain by matter of Record, that which is before delivered touching the Nature of this wicked Extortion, called *Coigne* and

Live-

Livery; and the manifold miſchiefs it did produce, I think it fit and pertinent to inſert the preamble of the Statute of 10. of *Henry* ſeventh, *c.* 4. not printed, but recorded in Parliament Rols of *Dublin*, in theſe words: *At the requeſt and ſupplication of the Commons of this Land of* Ireland, *that where of long time there hath been uſed and exacted by the Lords and Gentlemen of this Land, many and divers damnable cuſtoms and uſages, which been called Coigne and Livery, and Pay; that is, Horſe meat and Mans meat, for the finding of their Horſemen and Foot-men; and over that, 4. d. or 6. d. daily to every of them to be had and paid of the poor Earth Tillers, and Tenants, inhabitants of the ſaid Land, without any thing doing or paying therefore. Beſides, many Murders, Robberies Rapes, and other manifold extortions and oppreſſions by the ſaid Horſemen and Footmen, daily and nightly committed and done; which been the principal cauſes of the deſolation and deſtruction of the ſaid Land, and hath brought the ſame into ruine and Decay, ſo as the*

moſt

moſt part of the Engliſh Free-holders and Tenants of this Land been departed out thereof, ſome into the Realm of England, *and other ſome to other ſtrange Lands; whereupon the foreſaid Lords and Gentlemen of this Land, have intruded into the ſaid Free-holders and Tenants inheritances; and the ſame keepeth and occupieth as their own inheritances; and ſetten under them in the ſame Land the Kings Iriſh Enemies, to the diminiſhing of Holy Churches Rites, the diſheriſon of the King, and his obedient Subjects, and the utter ruine and deſolation of the Land. For reformation whereof, be it enacted, That the King ſhall receive a Subſidy of 26. s. 8. d. out of every 120. acres of arable land manured,* &c. But to return to *Thomas Fitz-Maurice* of *Deſmond*; By this extortion of *Coigne* and *Livery*, he ſuddainly grew from a mean, to a mighty eſtate; inſomuch as the *Baron Finglas* in his diſcourſe of the decay of *Ireland*, affirmeth; that his ancient inheritance being not one thouſand marks yearly, he became able to diſpend every way,

ten

ten thouſand pounds, *per annum*.

Theſe poſſeſſions being thus unlawfully gotten, could not be maintained by the juſt and honourable Law of *England*, which would have reſtored the true Owners to their Land again. And therefore, this Great man found no means to continue and uphold his ill-purchaſed greatneſs, but by rejecting the Engliſh Law and Government, and aſſuming in lieu thereof, the barbarous cuſtoms of the Iriſh. And hereupon, followed the defection of thoſe four ſhires, containing the greateſt part of *Munſter*, from the obedience of the Law.

In like manner (ſaith Baron *Finglas*) the Lord of *Tipperary* (perceiving how well the houſe of *Deſmond* had thrived by *Coigne* and *Livery*, and other Iriſh exactions) began to hold the like courſe in the Counties of *Tipperary* and *Kilkenny*; whereby he got great ſcopes of Land, eſpecially in *Ormond*, and raiſed many Iriſh exactions upon the Engliſh Free-holders there; which made him ſo potent and abſolute among them

them, as at that time they knew no other Law, than the will of their Lord. Beſides, finding, that the Earl of *Deſmond* excluded the ordinary Miniſters of Juſtice, under colour of a Royal liberty, which he claimed in the Counties of *Kerry*, *Corke*, and *Waterford*, by a grant of King *Edward* the firſt, (as appeareth in a *Quo warranto*, brought againſt him, *Anno* 12. *Edw.* 1.) the Record whereof, remaineth in *Breminghams* Tower, among the common Plea-Rolls there.

This Lord alſo, in the third of *Edward* the third, obtained a Grant of the like liberty in the County of *Tipperary*, whereby he got the Law into his own hands, and ſhut out the Common Law and Juſtice of the Realm.

And thus we ſee that all *Munſter* fell away from the Engliſh law and Government, in the end of King *Edward* the ſecond, his raign 5 and in the beginning of the raign of King *Edward* the third. Again, about the ſame time, (viz.) in the 20. year of King *Edward* the ſecond, when the State of *England* was

was well-ny ruined by the Rebellion of the Barons, and the Government of *Ireland* utterly neglected, there aroſe in *Leinſter*, one of the *Cavanaghes*, named *Donald Mac Art*, who named himſelf *Mac Murrogh*, King of *Leinſter*, and poſſeſſed himſelf of the County of *Catherlogh*, and of the greateſt part of the County of *Wexford*. And ſhortly after *Liſagh O Moore*, called himſelf *O Moore*, took eight Caſtles in one Evening, deſtroyed *Duamaſe* the principal houſe of the L. *Mortimer* in *Leix*, recovered that whole Country, *De ſervo Dominus, de ſubjecto princeps effectus*, ſaith Friar *Clynn* in his Annalls.

The riſing *Mac Murrogh* and *O Mire* in *Leinſter*. *Annales Hibernix* in *Camden*. *Annales Johan. Clynne. Manuſ.* The defect and loſs of a great part of *Leinſter*.

Beſides the Earl of *Kildare*, imitating his Coſin of *Deſmond*, did not omit to make the like uſe of Coigne and Livery in *Kildare*, and the Weſt part of *Meath*, which brought the like Barbariſme into thoſe parts. And thus a great part of *Leinſter* was loſt, and fell away from the Obedience of the Crown, near about the time before expreſſed.

Again, in the ſeventh year of King

King *Edward* the Third, the Lord *William Bourke*, Earl of *Ulster*, and Lord of *Conaght*, was treacherously murdered by his own Squires at *Knockfergus*, leaving behinde him, *Unicam & unius anni filiam* (saith Friar *Clinne*.) Immediately upon the murder committed, the Countess with her young daughter fled into *England*; so as the Government of that Country, was wholly neglected, until, that young Lady being married to *Lionel* Duke of *Clarence*, that Prince came over with an Army, to recover his Wives inheritance, and so reform this Kingdom, Anno 36. of *Edward* the third. But in the mean time, what became of that great inheritance both in *Ulster* and *Conaght*? Assuredly, in *Ulster*, the Sept of *Hugh Bog O Neal*, then possessing *Glancaukeyn* and *Killeightra* in *Tyrone*, took the opportunity; and passing over the *Banne*, did first expel the English out of the Barony of *Tuscard*, which is now called the *Rout*; and likewise, out of the *Glynnes* and other Lands up as far as *Knockfergus*, which Countrey

The Earl of *Ulster* murdered.

Annales Johan. Clynne, Manus.

The Earldom of *Ulster* recovered by the Irish.

Abridgement of *Salus populi* manuscript. *Baron Finglas, Manus.*

trey or extent of Land, is at this day called, the lower *Clan Hugh-Boy*. And ſhortly after that, they came up into the great *Ardes*; which the Latin writers call, *Altitudines Ultoniæ*, and was then the inheritance of the *Savages*; by whom, they were valiantly reſiſted for divers years: but at laſt: for want of Caſtles and fortifications (for the ſaying of *Henry Savage* mentioned in every Story, is very memorable; That a Caſtle of *Bones*, was better than a Caſtle of *Stones*.) the Engliſh were over-run by the multitude of the Iriſhry: So as about the thirtieth of King *Edward* the third, ſome few years before the arrival of the Duke of *Clarence*, the *Savages* were utterly driven out of the Great *Ardes*, into a little nook of Land near the River of *Strangford*; where they now poſſeſs a little Territory, called the little *Ardes*; and their greater patrimony took the name of the upper *Clan Hugh-Boy*, from the Sept of *Hugh Boy O Neale*, who became Invaders thereof.

Annales Hiberniæ in Camden.

The defection of *Conaght.*

FOr *Conaght*, ſome younger branches of the Family of the *Bourkes*, being planted there by the Red Earl and his Anceſtors, ſeeing their chief to be cut off, and dead without Heir-male, and no man left to govern or protect that Province, intruded preſently into all the Earls Lands, which ought to have been ſeized into the Kings hands, by reaſon of the minority of the heir. And within a ſhort ſpace, two of the moſt potent among them, divided that great Seigniory betwixt them, the one taking the name of *Mac William Oughtier*; and the other of *Mac William Fighter*; as if the Lord *William Bourke* the laſt Earl of *Ulſter*, had left two Sons of one name behind him to inherit that Lordſhip in courſe of Gavel-kind. But they well knew, that they were but Intruders upon the Kings poſſeſſion during the minority of the heir; they knew thoſe Lands were the rightfull inheritance of that young Lady; and conſequently, that the Law of *England* would ſpeedily evict them out of their poſſeſſion; and there-

Baron Finglas, Manuſ.

therefore, they held it the beſt pollicy to caſt off the yoak of Engliſh Law, and to become meer Iriſh: and according to their example, drew all the reſt of the Engliſh in that Province, to do the like; ſo as from thenceforth they ſuffered their poſſeſſions to run in courſe of *Taniſtry* and *Gavel-kinde*. They changed their names, language, and apparel, and all their civil manners and Cuſtoms of living. Laſtly, about the 25. year of King *Edward* the third, Sir *Richard de Clare* was ſlain in *Thomond*, and all the Engliſh Colonies there utterly ſupplanted. *Annales Hiberniæ in Camden.*

Thus in that ſpace of time, which was between the tenth year of King *Edward* the ſecond, and the 30. year of King *Edward* the third, (I ſpeak within compaſs) by the concurrence of the miſchiefs before recited, all the old Engliſh Colonies in *Munſter*, *Conaght*, and *Vlſter*; and more than a third part of *Leinſter*, became degenerate, and fell away from the Crown of *England*; ſo as only the four ſhires of the Engliſh Pale, remained under the

Obedience of the Law; and yet the Borders and Marches thereof, were grown unruly, and out of order too, being ſubject to *Black-Rents* and *Tribute* of the Iriſh; which was a greater defection, than when ten of twelve Tribes departed, and fell away from the Kings of *Juda*.

What courſes have been taken to reform this Kingdom, ſince the *Engliſh* Colonies became degenerate.

But was not the State of *England* ſenſible of this loſs and diſhonour? Did they not endeavour to recover the Land that was loſt, and to reduce the Subjects to their Obedience?

Edw. 2. Truly King *Edward* the Second, by the incurſions of the Scottiſh Nation, and by the inſurrection of his Barons, who raiſed his Wife and his Son againſt him, and in the end depoſed him, was diverted and utterly diſabled to reform the diſorders of *Ireland*. But as ſoon as the Crown of *England* was transferred to King *Edward* the third, though he were yet in his minority, the State there began to look into the deſperate eſtate of things here. And finding ſuch a general defection, Letters were ſent from the

K. *Edw.* the third did firſt endeavour a reformation.

King

King, to the great men and Prelates, requiring them particularly to swear fealty to the Crown of *England*. *Archiu. Tur. 2. E. 3. clau. pers. 1. m. 16.*

Shortly after, Sir *Anthony Lucy*, a Person of great authority in *England* in those dayes, was sent over to work a reformation in this Kingdom, by a severe course; and to that end, the King wrote expressly to the Earl of *Ulster*, and others of the Nobility to assist him, as is before remembred; presently upon his arrival, he arrested *Maurice Fitz-Thomas* Earl of *Desmond*; and Sir *William Bremingham*, and committed them prisoners to the Castle of *Dublin*: where Sir *William Bremingham* was executed for Treason, though the Earl of *Desmond* were left to Mainprize, upon condition, he should appear before the King by a certain day, and in the mean time to continue loyal. Sir *Anthony Lucy*. *Annales Hiberniæ, in Camden.*

AFter this, the King being advertised, that the over-large Grants of Lands and Liberties, made to the Lords of English blood in *Ireland*,

made them ſo inſolent, as they ſcorned to obey the Law, and the Magiſtrate, did abſolutely reſume all ſuch Grants, as is before declared. But the Earl of *Deſmond* above all men, found himſelf grieved with this reſumption, or Repeal of Liberties; and declared his diſlike and diſcontentment: inſomuch, as he did not only refuſe to come to a Parliament at *Dublin*, ſummoned by Sir *William Morris*, Deputy to the Lord *John Darcy* the Kings Lieutenant: But (as we have ſaid before) he raiſed ſuch diſſention between the Engliſh of blood, and the Engliſh of birth, as the like was never ſeen, from the time of the firſt planting of our Nation in *Ireland*. And in this factious and ſeditious humour, he drew the Earl of *Kildare*, and the reſt of the nobility, with the Citizens and Burgeſſes of the principal Towns, to hold a ſeveral Parliament by themſelves, at *Kilkenny*; where they framed certain Articles againſt the Deputy, and tranſmitted the ſame into *England* to the King.

Reſumption of liberties.

Annales Hiberniæ in Camden.

Here-

Hereupon, Sir *Raphe Vfford*, who had lately before married the Counteſs of *Vlſter*; a man of courage and ſeverity, was made Lord Juſtice: who forthwith calling a Parliament, ſent a ſpecial Commandment to the Earl of *Deſmond*, to appear in that great Councel; but the Earl wilfully refuſed to come. Whereupon, the Lord Juſtice raiſed the Kings Standard, and marching with an Army into *Munſter*, ſeized into the Kings hands, all the poſſeſſions of the Earl, took and executed his principal followers, Sir *Euſtace le Poer*, Sir *William Graunt*, and Sir *John Cotterell*; enforced the Earl himſelf to fly and lurk, till 26. Noblemen and Knights, became Mainpernors for his appearance at a certain day prefixed: But he making default the ſecond time, the uttermoſt advantage was taken againſt his ſureties. Beſides at the ſame time, this Lord Juſtice cauſed the Earl of *Kildare* to be arreſted and committed to the Caſtle of *Dublin*, indited and impriſoned many other diſobedient Subjects, called

Sir *Raphe Vfford.* *Annales Johan. Manuſ.* *Clynn.*

Annales Hiberniæ in Camde.

in and cancelled such Charters asw ere lately before resumed; and proceeded every way so roundly and severely, as the Nobility, which were wont, to suffer no controulment, did much distaste him; and the Commons, who in this Land have ever been more devoted to their immediate Lords here, whom they saw every day, than unto their Soveraign Lord and King, whom they never saw; spake ill of this Governor, as of a rigorous and cruel man, though in troth he were a singular good Justicer; and, if he had not dyed in the second year of his Government, was the likeliest person of that Age, to have reformed and reduced the degenerate English Colonies, to their natural obedience of the Crown of *England*.

Maurice Fitz-Thomas the first Earl of *Desmond*, the author of the great oppressions and dissentions which destroyed the English Colonies.

THus much then we may observe by the way, that *Maurice Fitz-Thomas*, the first Earl of *Desmond*, was the first English Lord that imposed *Coign* and *Livery* upon the Kings Subjects; and the first that raised his Estate to im-

immoderate greatneſs, by that wicked Extortion and Oppreſſion; that he was the firſt that rejected the Engliſh Laws and Government, and drew others by his example to do the like; that he was the firſt Peer of *Ireland* that refuſed to come to the Parliament ſummoned by the Kings Authority; that he was the firſt that made a diviſion and diſtinction between the Engliſh of blood, and the Engliſh of birth.

AND as this Earl was the onely Author, and firſt Actor of theſe miſchiefs, which gave the greateſt impediment to the full Conqueſt of *Ireland*; So it is to be noted, that albeit others of his rank afterwards offended in the ſame kinde; whereby their Houſes were many times in danger of ruine, yet was there not ever any Noble houſe of Engliſh race in *Ireland*, utterly deſtroyed and finally rooted out by the hand of Juſtice, but the houſe of *Deſmond* onely; nor any Peer of this Realm ever put to death (though

The fortune of the houſe of *Deſmond*.

divers

divers have been attainted) but *Tho: Fitz-James* the Earl of *Desmond* onely, and onely for those wicked customs brought in by the first Earl, and practised by his posterity, though by several Laws they were made High-Treason. And therefore, though in the 7 of *Edward* the 4. during the Government of the Lord *Tiptoft*, Earl of *Worcester*, both the Earls of *Desmond* and *Kildare* were attainted by Parliament at *Droghedah*, for alliance and fostering with the Irish; and for taking *Coigne* and *Livery* of the Kings Subjects, yet was *Desmond* onely put to death; for the Earl of *Kildare* received his pardon. And albeit the son of this Earl of *Desmond*, who lost his head at *Droghedah*, were restored to the Earldom; yet could not the Kings grace regenerate obedience in that degenerate house, but it grew rather more wilde and barbarous than before. For from thenceforth they reclaimed a strange priviledge, *That the Earls of* Desmond *should never come to any Parliament or Grand Council, or within any walled Town, but at their will and pleasure.*

The Council-book of *Ireland*. 32 *H.8.*

ſure. Which pretended Priviledge, *James* Earl of *Deſmond*, the Father of *Girald* the laſt Earl, renounced and ſurrendred by his Deed, in the Chancery of *Ireland*, in the 32 of *Henry* the eighth. At what time, among the meer Iriſhry, he ſubmitted himſelf to Sir *Anthony Saint-Leger*, then Lord Deputy; took an Oath of Allegiace, Covenanted that he would ſuffer the Law of *England* to be executed in his Countrey; and aſſiſt the Kings Judges in their Circuits: and if any Subſidies ſhould be granted by Parliament, he would permit the ſame, to be levied upon his Tenents and followers. Which Covenants, are as ſtrange as the priviledge it ſelf, ſpoken of before. But that which I conceive moſt worthy of Obſervation, upon the fortunes of the houſe of *Deſmond*, is this; that as *Maurice Fitz-Thomas*, the firſt Earl, did firſt raiſe the greatneſs of that houſe, by Iriſh exactions and oppreſſions; ſo *Girald* the laſt Earl, did at laſt ruine and reduce it to nothing, by uſing the like extortions. For certain it is, that the firſt occaſion of his Rebellion, grew from

from hence, that when he attempted to charge the *Decies* in the County of *Waterford*, with *Coigne* and *Livery*, Black Rents and Cosheries, after the Irish manner, he was resisted by the Earl of *Ormond*, and upon an encounter, overthrown and taken prisoner; which made his heart so unquiet, as it easily conceived Treason against the Crown, and brought forth actual and open Rebellion, wherein he perished himself, and made a final extinguishment of his house and honor. Oppression and extortion did maintain the greatness: and oppression and extortion, did extinguish the greatness of that house. Which may well be expresst, by the old Emblem of a Torch turned downwards, with this word, *Quod me alit, extinguit.*

NOw let us return to the course of Reformation, held and pursued here, after the death of Sir *Raphe Ufford*, which hapned in the twentieth year of King *Edward* 3. After which time, albeit all the power and Council of *England* was converted towards the conquest

conqueſt of *France*, yet was not the work of Reformation altogether diſcontinued. For, in the 25 year of King *Edward* the third, Sir *Thomas Rookeby*, another worthy Governor (whom I have once before named) held a Parliament at *Kilkenny*, wherein many excellent Laws were propounded and enacted for the reducing of the Engliſh Colonies to their obedience; which Laws we finde enrolled in the Remembrancers Office here; and differ not much in ſubſtance, from thoſe other Statutes of *Kilkenny*, which not long after (during the Government of *Lionel* Duke of *Clarence*) were not onely enacted, but put in execution. This noble Prince having married the Daughter and Heir of *Vlſter*; and being likewiſe a Coparcener of the County of *Kilkenny*, in the 36 year of King *Edward* the third, came over the Kings Lieutenant, attended with a good Retinue of Martial men, as is before remembred, and a grave and honorable Council, as well for peace, as for war. But becauſe this Army was not of a competent ſtrength

The courſe of Reformation purſued by *Lionel* Duke of *Clarence*

to

to break and ſubdue all the Iriſhry, although he quieted the borders of the Engliſh Pale, and held all *Ireland* in awe with his name and preſence. The principal ſervice that he intended, was to reform the degenerate Engliſh Colonies, and to reduce them to obedience of the Engliſh Law, and Magiſtrate. To that end, in the fortieth year of King *Edward* the third, he held that famous Parliament at *Kilkenny*; wherein many notable Laws were enacted, which do ſhew and lay open (*For the Law doth beſt diſcover enormities*) how much the Engliſh Colonies were corrupted at that time, and do infallibly prove that which is laid down before; That they were wholly degenerate, and faln away from their obedience. For firſt, it appeareth by the Preamble of theſe Laws, that the Engliſh of this Realm, before the coming over of *Lionel* Duke of *Clarence*, were at that time become meer Iriſh in their Language, Names, Apparel, and all their manner of living, and had rejected the Engliſh Laws, and ſubmitted themſelves to the Iriſh, with whom they

they had many Marriages and Alliances, which tended to the utter ruine and deſtruction of the Common-wealth. Therefore alliance by Marriage, *Nurture of Infants*, and *Goſſipred with the Iriſh*, are by this Statute made High-Treaſon. Again, if any man of Engliſh race, ſhould uſe any Iriſh Name, Iriſh Language, or Iriſh Apparel, or any other guiſe or faſhion of the Iriſh; if he had Lands or Tenements, the ſame ſhould be ſeized, till he had given ſecurity to the Chancery, to conform himſelf in all points to the Engliſh manner of living. And if he had no Lands, his body was to be taken and impriſoned, till he found Sureties, as aforeſaid. *Archiu. in Caſtro Dublin.* Statutes of *Kilkenny.* *c.* 2. *c.* 3.

Again, it was eſtabliſhed and commanded, that the Engliſh in all their Controverſies, ſhould be ruled and governed by the Common Law of *England:* and if any did ſubmit himſelf to the *Brehon* Law, or *March* Law, he ſhould be adjudged a Traytor. *c.* 4.

Again, becauſe the Engliſh at that time, made War and Peace with the border- *c.* 10.

bordering Enemy at their pleaſure; they were expreſſly prohibited to levy War upon the Iriſh, without ſpecial Warrant and Direction from the State.

c. 12. Again, it was made pænal to the Engliſh, to permit the Iriſh to Creaght
c. 13. or graze upon their Lands: to preſent
c. 15. them to Eccleſiaſtical Benefices; to receive them into any Monaſteries, or Religious Houſes, or to entertain any of their Minſtrels, Rimers, or News-tellers:
c. 17. to impoſe or ſeſs any Horſe or Foot upon the Engliſh ſubjects againſt their wills,
c. 22. was made felony. And becauſe the great Liberties or Franchiſes ſpoken of before, were become Sanctuaries for all Malefactors, expreſs power was given to the Kings Sheriffs, to enter into all Franchiſes, and there to apprehend all Felons
c. 24. and Traytors. And laſtly, becauſe the great Lords, when they levied Forces for the Publike Service, did lay unequal burthens upon the Gentlemen and Freeholders, it was ordained, that four Wardens of the Peace in every County, ſhould ſet down and appoint what Men

and

and Armor every man ſhould bear, according to his Freehold, or other ability of eſtate.

THeſe, and other Laws, tending to a general reformation, were enacted in that Parliament. And the Execution of theſe Laws, together with the *Preſence of the Kings Son*, made a notable alteration in the State and Manners of this people, within the ſpace of ſeven years, which was the term of this Princes Lieutenancy. The Statutes of *Kilkenny* did much reform the degenerate Engliſh.

For all the *Diſcourſes* that I have ſeen of the Decay of *Ireland*, do agree in this, that the preſence of the Lord *Lionel*, and theſe Statutes of *Kilkenny*, did reſtore the Engliſh Government, in the degenerate Colonies, for divers years. And the Statute of the tenth of *Henry* the ſeventh, which reviveth and confirmeth the Statutes of *Kilkenny*, doth confirm as much. For it declareth, that *as long as theſe Laws were put in ure and execution, this Land continued in proſperity and honor: and ſince they were not executed, the Subjects rebelled and di-* Stat: 10 H. 7. c. 8.

greſſed from their Allegeance, and the Land fell to ruine and deſolation. And withal, we finde the effect of theſe Laws in the Pipe-Rolls, and Plea-Rolls of this Kingdom: For, from the 36 of *Edw.* 3. when this Prince entred into his Government, till the beginning of *Richard* the ſecond his Reign, we finde the Revenue of the Crown both certain and caſual in *Ulſter*, *Munſter*, and *Conaght*, accounted for; and that the Kings Writ did run, and the Common Law was executed in every of theſe Provinces. I joyn with theſe Laws, the perſonal preſence of the Kings Son, as a concurrent cauſe of this Reformation: *Becauſe the people of this Land, both Engliſh and Iriſh, out of a natural pride, did ever love and deſire to be governed by great perſons.* And therefore, I may here juſtly take occaſion to note, that firſt the abſence of the Kings of *England*; and next, the abſence of thoſe great Lords, who were inheritors of thoſe mighty Seigniories of *Leinſter*, *Ulſter*, *Conaght*, and *Meath*, have been main cauſes why this Kingdom was not reduced in ſo many ages.

The preſence of the Kings ſon, did much advance the reformation.

Abſence of our Kings & great Engliſh Lords, a chief cauſe why the Kingdom was not reduced.

Touching

TOuching the abſence of our Kings, three of them onely ſince the Norman Conqueſt, have made Royal journeys into this Land; namely, King *Henry* the ſecond, King *John*, and King *Richard* the ſecond. And yet they no ſooner arrived here, but that all the Iriſhry (as if they had been but one man) ſubmitted themſelves; took Oathes of fidelity, and gave pledges and hoſtages to continue loyal. And, if any of thoſe Kings had continued here in perſon a competent time, till they had ſettled both Engliſh and Iriſh in their ſeveral poſſeſſions, and had ſet the Law in a due courſe throughout the Kingdom; theſe times wherein we live, had not gained the honor of the final conqueſt and reducing of *Ireland*. For the *King* (ſaith *Salomon*) *diſſipat omne malum intuitu ſuo*. But when *Moſes* was abſent in the Mount, the people committed Idolatry: and when there was no King in *Iſrael*, every man did what ſeemed beſt in his own eyes. Abſence of our Kings.

And therefore, when *Alexander* had conquered the Eaſt part of the World,

and demanded of one what was the fitteſt place for the ſeat of his Empire, he brought and laid a dry hide before him, and deſired him to ſet his foot on the one ſide thereof; which being done, all the other parts of the hide did riſe up: but when he did ſet his foot in the middle of the hide, all the other parts lay flat and even. Which was a lively demonſtration, that if a Prince keep his reſidence in the border of his Dominions, the remote parts will eaſily riſe and rebel againſt him: But if he make the Centre thereof his Seat, he ſhall eaſily keep them in peace and obedience.

The abſence of the great Engliſh Lords.

TOuching the abſence of the great Lords: All Writers do impute the decay and loſs of *Leinſter*, to the abſence of theſe Engliſh Lords, who married the five Daughters of *William Marſhal* Earl of *Pembroke*, (to whom that great Seigniory deſcended) when his five Sons, who inherited the ſame ſucceſſively; and during their times, held the ſame in peace and obedidence to the Law of *England*; were all dead without iſſue:

Baron. Finglas, Manuſc.

which

which hapned about the fortieth year of King *Henry* the third: for the eldeſt being married to *Hugh Bigot* Earl of *Norfolk*, who in right of his wife, had the Marſhalſhip of *England*; The ſecond, to *Warren de Mountchenſey*, whoſe ſole Daughter and Heir was match to *William de Valentia* half Brother to King *Henry* the third, who by that match, was made Earl of *Pembroke*; the third, to *Gilbert de Clare*, Earl of *Glouceſter*; The fourth, to *William Ferrers*, Earl of *Darby*; The fifth, to *William de Bruce*, Lord of *Brecknock*: Theſe great Lords, having greater inheritances in their own right in *England*, than they had in *Ireland* in right of their Wives (and yet each of the Coparceners, had an entire County allotted for her purparty, as is before declared) could not be drawn to make their perſonal reſidence in this Kingdom; but managed their Eſtates here, by their *Seneſchals* and *Servants*. And to defend their Territories againſt the bordering Iriſh, they entertained ſome of the Natives, who pretended a perpetual Title to thoſe great Lord-

ſhips. For the Iriſh after a thouſand conqueſts and Attainders by our Law, would in thoſe days pretend title ſtill, becauſe by the Iriſh Law no man could forfeit his Land. Theſe natives taking the opportunity in weak and deſperate times, uſurped thoſe Seigniories; and ſo *Donald mac Art Cavanagh*, being entertained by the Earl of *Nolfork*, made himſelf Lord of the County of *Catherlough*: And *Liſagh O Moor*, being truſted by the Lord *Mortimer*, who married the Daughter and Heir of the Lord *Bruce*, made himſelf Lord of the lands in *Leix*, in the latter end of King *Edward* the ſeconds Reign, as is before declared.

Baron Finglas, Manuſc.

Again, the decay and loſs of *Ulſter* and *Connaught*, is attributed to this; that the Lord *William Bourk*, the laſt Earl of that name, died without iſſue male; whoſe Anceſtors, namely, the Red Earl, and Sir *Hugh de Lacy*, before him, being perſonally reſident, held up their greatneſs there; and kept the Engliſh in peace, and the Iriſh in awe: But when thoſe Provinces deſcended upon an *Heir Female*, and an *Infant*, the

the Iriſh over-ran *Vlſter*, and the younger branches of the *Bourkes*, uſurped *Connaught*. And therefore, the Ordinance made in *England*, the third of *Richard* the ſecond, againſt ſuch as were abſent from their Lands in *Ireland*; and gave two third parts of the profits thereof unto the King, until they returned, or placed a ſufficient number of men to defend the ſame, was grounded upon good reaſon of State: which Ordinance was put in execution for many years after, as appeareth by ſundry ſeizures made thereupon, in the time of K. *Richard* the ſecond, *Henry* the fourth, *Henry* the fifth, & *Henry* the ſixth, whereof there remain Records in the Remembrancers Office here. Among the reſt, the Duke of *Norfolk* himſelf was not ſpared, but was impleaded upon this Ordinance, for two parts of the profits of *Dorburies* Iſland, and other Lands in the County of *Wexford*, in the time of King *Henry* the ſixth. And afterwards, upon the ſame reaſon of State, all the lands of the houſe of *Norfolk*, of the Earl of *Shrewsbury*, the Lord *Barkley* and others, who having

Archiu. Tur Rot. parliam. n. 42.

Archiu. in Offic. Rememb. Dublin.

lands in *Ireland*, kept their continual residence in *England*) were entirely resumed by the Act of Absentees, made in the 28 year of King *Henry* the eigth.

Act of Absentees, 28 *H.* 8.

But now again, let us look back and see, how long the effect of that Reformation did continue, which was begun by *Lionel* Duke of *Clarence*, in the fortieth year of King *Edward* the third, and what courses have been held, to reduce and reform this people by other Lieutenants and Governors since that time.

The English Colonies being in some good measure reformed by the Statutes of *Kilkenny*, did not utterly fall away into Barbarism again, till the Wars of the two Houses had almost destroyed both these Kingdoms; for in that miserable time, the Irish found opportunity, without opposition, to banish the English Law and Government, out of all the Provinces, and to confine it onely to the English Pale: Howbeit, in the mean time, between the Government of the Duke of *Clarence*, and the beginning of those Civil Wars of *York* and *Lancaster*, we finde

find that the State of *England* did ſundry times reſolve to proceed in this work of reformation.

For firſt, King *Richard* 2. ſent over Sir *Nicholas Dagworth*, to ſurvey the poſſeſſions of the Crown; and to call to accompt the Officers of the revenue; Next to draw his Engliſh Subjects to manure and defend their lands in *Ireland*) he made that Ordinance againſt Abſentees, ſpoken of before. Again, he ſhewed an excellent example of Juſtice, upon Sir *Philip Courtney*, being his Lieutenant of that Kingdom, when he cauſed him to be arreſted by ſpecial Commiſſioners, upon complaint made of ſundry grievous oppreſſions and wrongs, which during his Government, he had done unto that people.

The reformation intended by K. *Rich.* 2. *Archiu. Tur.* 3. *Rich.* 2. *clauſ.* 3. 3. *Rich.* 2. *Rot. Parlm.* 11. 42. 9 *Rich.* 2. *cl.* 1.

After this, the Parliament of *England* did reſolve, that *Thomas* Duke of *Gloceſter* the Kings Uncle, ſhould be imployed in the reformation and reducing of that Kingdom: the Fame whereof, was no ſooner bruted in *Ireland*, but all the Iriſhry were ready to ſubmit themſelves before his coming: ſo much the very

Walſingham in Rich. 2. 349. *a.*

very Name of a great perſonage, ſpecially of a Prince of the blood, did ever prevail with this people. But the King and his Minions, who were ever jealous of this Duke of *Gloceſter*, would not ſuffer him to have the honour of that ſervice. But the King himſelf thought it a work worthy of his own preſence and pains: and thereupon, Himſelf in perſon, made thoſe two royal journeys mentioned before: At what time, he received the ſubmiſſions of all the Iriſh Lords and Captains, who bound themſelves both by Indenture and oath to become and continue his Loyal Subjects. And withall, laid a particular project, for a civil plantation of the Mountains and Maritime Counties, between *Dublin* and *Wexford*; by removing all the Iriſh Septs from thence, as appeareth by the covenants between the Earl Marſhal of *England*, and thoſe Iriſh Septs: which are before remembred, and are yet preſerved, and remain of Record in the Kings Remembrancers Office at *Weſtminſter*. Laſtly, this King being preſent in *Ireland*, took ſpecial care to ſupply

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and furnish the Courts of Justice with able and sufficient Judges; And to that end, he made that Grave and Learned Judge, Sir *William Hankeford*, Chief Justice of the Kings Bench here (who afterwards for his service in this Realm, was made chief Justice of the Kings Bench in *England*, by King *Henry* 4.) and did withall, associate unto him, *William Sturmy*, a well Learned man in the law; who likewise came out of *England* with the King, that the legal proceedings, which were out of order too (as all other things in that Realm were) might be amended, and made formal, according to the course and Presidents of *England*. But all the good purposes and projects of this King, were interrupted and utterly defeated, by his suddain departure out of *Ireland*, and unhappy deposition from the Crown of *England*.

Plac. coram. Reg' in Hibernia. Hillar. 18. Rich. 2.

HOwbeit, King *Henry* the fourth, intending likewise to prosecute this Noble work in the third year of his raign, made the Lord *Thomas*

The reformation intended by *Hen.* 4.

of

of *Lancaſter*, his ſecond ſon, Lieutenant of *Ireland*: Who came over in perſon, and accepted again the ſubmiſſions of divers Iriſh Lords and Captains, as is before remembred; and held alſo a Parliament, wherein he gave new life to the Statutes of *Kilkenny*, and made other good Laws tending to the Reformation of the Kingdom. But the troubles raiſed againſt the King his Father in *England*, drew him home again ſo ſoon, as that ſeed of reformation, took no root at all, neither had his ſervice in that kind, any good effect or ſucceſs.

After this, the State of *England* had no leiſure to think of a general reformation in this Realm, till the civil diſſentions of *England* were appeaſed, and the peace of that Kingdom ſetled, by King *Henry* the ſeventh.

For, albeit, in the time of King *Henry* 6. *Richard* Duke of *York*, a Prince of the blood; of great wiſdom and valour, and heir to a third part of the Kingdom at leaſt, being Earl of *Ulſter*, and Lord of *Conaght* and *Meath*, was ſent

ſent the Kings Lieutenant into *Ireland*, to recover and reform that Realm where he was reſident in perſon for the greateſt part of ten years, yet the troth is, he aimed at another mark, which was the Crown of *England*. And therefore, he thought it no pollicy to diſtaſt either the Engliſh or Iriſh, by a courſe of Reformation, but ſought by all means to pleaſe them, and by popular courſes to ſteal away their hearts, to the end, he might ſtrengthen his party, when he ſhould ſet on foot his Title (as is before declared.) Which pollicy of his took ſuch effect, as that he drew over with him into *England*, the Flower of all the Engliſh Colonies, eſpecially of *Ulſter* and *Meath*, whereof many Noblemen and Gentlemen were ſlain with him at *Wakefield* (as is likewiſe before remembred.) And after his death, when the wars between the Houſes were in their heat, almoſt all the good Engliſh blood, which was left in *Ireland*, was ſpent in thoſe civil diſſentions: ſo as the Iriſh became victori-

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ous over all, *without blood or ſweat*. Only, that little Canton of Land, called the Engliſh Pale, containing four ſmall Shires, did maintain a bordering war with the Iriſh, and retain the forme of Engliſh Government.

But out of that little Precinct, there were no Lords, Knights, or Burgeſſes ſummoned to the Parliament, neither did the Kings Writ run in any other part of the Kingdom: and yet upon the Marches and Borders, which at that time were grown ſo large, as they took up half *Dublin*, half *Meath*, and a third part of *Kildare* and *Lowth*; there was no law in uſe, but the *March-Law*, which in the Statutes of *Kilkenny*, is ſaid to be no law, but a leud Cuſtom.

So as upon the end of theſe civil wars in *England*, the Engliſh Law and Government was well nigh baniſht out of *Ireland*, ſo as no foot-ſtep or print was left, of any former Reformation.

The courſe of reformation held by Sir *Edward Poynings*, in the time of K. *Hen* 7.

THen did King *Henry* 7. ſend over Sir *Edward Poynings* to be his Deputy, a right worthy ſervitor both in war

war and peace. The principal end of his employment, was to expel *Perkin Warbecke* out of this Kingdom; but that ſervice being performed, that worthy Deputy finding nothing but a common miſery, took the beſt courſe he poſſibly could, to eſtabliſh a Common-wealth in *Ireland*: and to that end, he held a Parliament no leſs famous, than that of *Kilkenny*; and more available for the reformation of the whole Kingdom. For whereas all wiſe men did ever concur in opinion; that the readieſt way to reform *Ireland*, is to ſettle a form of Civil Government there, conformable to that of *England*: To bring this to paſs, Sir *Edward Poynings* did paſs an Act, whereby all the Statutes made in *England* before that time, were enacted, eſtabliſhed, and made of force in *Ireland*. Neither did he only reſpect the time paſt, but provided alſo for the time to come. For he cauſed another Law to be made, that no Act ſhould be propounded in any Parliament of *Ireland*, but ſuch as ſhould be firſt

trans-

Poynings Act. transmitted into *England*, and approved by the King and Council there, as good and expedient for that Land, and ſo returned back again, under the Great Seal of *England*. This Act, though it ſeem *Prima facie* to reſtrain the liberty of the Subjects of *Ireland*; yet was it made at the Prayer of the Commons, upon juſt and important cauſe.

For the Governors of that Realm, ſpecially ſuch as were of that Country Birth, had laid many oppreſſions upon the Commons: and amongſt the reſt, they had impoſed Laws upon them, not tending to the general good, but to ſerve private turns, and to ſtrengthen their particular factions. This moved them to refer all Laws that were to be paſſed in *Ireland*, to be conſidered, corrected and allowed, firſt by the State of *England*, which had alwayes been tender and careſull of the good of this people, and had long ſince made them a Civil, Rich, and Happy Nation, if their own Lords and Governors there, had not ſent bad intelligence into *England*.

land. Beſides this, he took ſpecial order, that the ſummons of Parliament ſhould go into all the ſhires of *Ireland*, and not to the four ſhires onely; and for that cauſe ſpecially, he cauſed all the Acts of a Parliament, lately before holden by the *Viſcount* of *Gormanſton* to be repealed and made void. Moreover, that the Parliaments of *Ireland*, might want no decent or honorable form that was uſed in *England*, he cauſed a particular Act to paſs, that the Lords of *Ireland* ſhould appear in the like Parliament Robes, as the Engliſh Lords are wont to wear in the *Parliaments of England*. Having thus eſtabliſhed all the Statutes of *England* in *Ireland*, and ſet in order the great Council of that Realm, he did not omit to paſs other Laws, as well for the encreaſe of the Kings Revenue, as the preſervation of the publick peace.

To advance the profits of the Crown; Firſt he obtained a Subſidy of 26 ſhillings eight pence out of every ſix ſcore acres manured, payable yearly for five years. Next, he reſumed all the *Crown land* which had been aliened (for the moſt

part) by *Richard Duke of York*: and laſtly, he procured a Subſidy of *Pondage*, out of all Merchandizes imported and exported, to be granted to the Crown in perpetuity.

To preſerve the publick peace, he revived the Statutes of *Kilkenny*. He made wilful Murther High-treaſon; he cauſed the Marchers to book their men for whom they ſhould anſwer; and reſtrained the making War or Peace, without ſpecial Commiſſion from the State.

Theſe Laws, and others as important as theſe, for the making of a Commonwealth in *Ireland*, were made in the Government of Sir *Edward Poynings*. But theſe Laws did not ſpread their Vertue beyond the Engliſh Pale, though they were made generally for the whole *Kingdom*. For the *Provinces* without the Pale, which during the War of *York* and *Lancaſter*, had wholly caſt off the the Engliſh Government, were not apt to receive this ſeed of Reformation, becauſe they were not firſt broken and maſtered again with the ſword. Beſides, the Iriſh Countreys, which contained

two

two third parts of the Kingdom, were not reduced to Shire-ground, ſo as in them the Laws of *England* could not poſſibly be put in execution. Therefore theſe good Laws and proviſions made by Sir *Edward Poynings*, were like good Leſſons ſet for a Lute, that is broken and out of tune; of which Leſſons, little uſe can be made, till the Lute be made fit to be plaid upon.

And that the execution of all theſe Laws, had no greater latitude than the Pale, is manifeſt by the Statute of the thirteenth of *Henry* the eighth, *cap.* 3. which reciteth, that at that time, the Kings Laws were obeyed and executed in the four ſhires onely; and yet then was the *Earl of Surrey Lieutenant of Ireland*, a Governor much feared of the Kings Enemies, and exceedingly honored and beloved of the Kings ſubjects. And the Inſtructions given by the ſtate of *Ireland*, to *John Allen* Maſter of the *Rolls*, employed into *England* neer about the ſame time, do declare as much; wherein among other things, he is required to advertiſe the King, that The Council Book of *Ireland*, 16 *H*?.

his Land of *Ireland* was ſo much decayed, as that the Kings Laws were not obeyed twenty miles in compaſs: Whereupon, grew that By-word uſed by the Iriſh, (viz.) *That they dwelt Byweſt the Law, which dwelt beyond the River of the Barrow*, which is within thirty miles of *Dublin*. The ſame is teſtified by Baron *Finglas*, in his *Diſcourſe of the decay of Ireland*, which he wrote about the twentieth year of King *Henry* the eighth. And thus we ſee the effect of the Reformation which was intended by Sir *Edward Poynings*.

The Reformation intended by the L. *Leonard Gray*, 28 *H.*8.

THE next Attempt of Reformation, was made in 28 year of King *Henry* the eighth, by the Lord *Leonard Gray*, who was created Viſcount of *Grane* in this Kingdom, and held a *Parliament*, wherein many excellent Laws were made. But to prepare the mindes of the people to obey theſe Laws, he began firſt with a Martial courſe: For being ſent over to ſuppreſs the Rebellion of the *Giraldines*, (which he performed in few moneths) he afterwards made a victorious

ous Circuit round about the Kingdom; beginning in *Offaly*, againſt *O Connor*, who had aided the *Giraldines* in their Rebellion; and from thence paſſing along through all the Iriſh Countreys in *Leinſter*, and ſo into *Munſter*, where he took pledges of the degenerate Earl of *Deſmond*, and thence into *Conaght*, and thence into *Ulſter*; and then concluded this Warlike Progreſs with the Battel of *Belahoo*, in the borders of *Meath*, as is before remembred. *Annales Hiberniæ Manuſc.*

The principal Septs of the Iriſhry being all terrified, and moſt of them broken in this journey, many of their chief Lords upon this Deputies return came to *Dublin*, and made their ſubmiſſions to the Crown of *England*; namely, the *O Neals*, and *O Relies* of *Ulſter*, *Mac Murrogh*, *O Birn*, and *O Carrol* of *Leinſter*, and the *Bourks* of *Conaght*. The Council Book of *Ireland*, 23 *H.* 8.

This preparation being made, he firſt propounded and paſſed in Parliament theſe Laws, which made the great alteration in the State *Eccleſiaſtical*; namely, the *Act* which declared King *Henry* the eighth to be ſupreme head of the Church

of *Ireland*. The Act prohibiting Appeals to the Church of *Rome*: the Act for firſt-fruits, and twentieth part to be paid to the King: the Act for Faculties and Diſpenſations: And laſtly, the Act that did utterly aboliſh the uſurped authority of the Pope. Next, for the encreaſe of the Kings Revenue; by one Act, he ſuppreſſed ſundry Abbies and Religious Houſes; and by another Act, reſumed the Lands of the Abſentees, (as is before remembred.)

And for the Civil Government, a ſpecial Statute was made, to aboliſh the Black-rents and Tributes, exacted by the Iriſh, upon the Engliſh Colonies; and another Law enacted, that the Engliſh Apparel, Language, and manner of living, ſhould be uſed by all ſuch, as would acknowledge themſelves the Kings Subjects. This Parliament being ended, the Lord *Leonard Gray*, was ſuddenly revokt, and put to death in *England*, ſo as he lived not to finiſh the work of Reformation, which he had begun: which notwithſtanding was well purſued by his Succeſſor,

ceſſor, Sir *Anthony Saint Leger*; unto whom, all the Lords and Chieftains of the Iriſhry, and of the degenerate Engliſh throughout the Kingdom, made their ſeveral ſubmiſſions by Indenture (which was the fourth general ſubmiſſion of the Iriſh, made ſince the firſt attempt of the Conqueſt of *Ireland*) whereof the firſt was made to King *Henry* the ſecond; the ſecond to King *John*; the third to K. *Richard* the ſecond, and his laſt to Sir *Anthony Saint Leger*, in 33 *H.* 8.

The courſe of Reformation purſued by Sir *Anthony S. Leger.* Four generall ſubmiſſions of the Iriſh.

IN theſe Indentures of Submiſſion all the Iriſh Lords do acknowledge King *Henry* the eighth to be their Soveraign Lord and King, and deſire to be accepted of him as Subjects. They confeſs the Kings Supremacy in all cauſes and do utterly renounce the Popes Juriſdiction, which I conceive to be worth the noting, becauſe, *when the Iriſh had once reſolved to obey the King, they made no ſcruple to renounce the Pope.* And this was not onely done by the meer Iriſh, but the chief of the degenerate Engliſh Families did perform the ſame:

The Council Book of *Ireland*, 32, 33, & 34 *H* 8.

The Iriſh and degenerate Engliſh, renounce the Pope.

ſame: as *Deſmond*, *Barry*, and *Roche*, in *Munſter*; and the *Bourks*, which bore the title of *Mac William*, in *Conaght*.

Theſe Submiſſions being thus taken, the Lord Deputy and Council for the preſent Government of thoſe Iriſh Countreys, made certain Ordinances of State, not agreeable altogether with the Rules of the Law of *England*; the reaſon whereof, is expreſt in the Preamble of thoſe Ordinances; *Quia nondum ſic ſapiunt leges & jura, ut ſecundum ea jam immediate vivere & regi poſſint.* The chief points or Articles of which Orders regiſtred in the Council Book are theſe: That King *Henry* the eighth, ſhould be accepted, reputed, and named King of *Ireland*, by all the Inhabitants of the Kingdom; that all Archbiſhops and Biſhops ſhould be permitted to exerciſe their Juriſdiction in every Dioceſs throughout the Land: that Tythes ſhould be duely ſet out, and paid; that Children ſhould not be admitted to Benefices; that for every Man-ſlaughter, and theft above fourteen pence, committed in the Iriſh Countrys, the

The Council Book of *Ireland*, 33 *H.* 8.

the offendor ſhould pay a fine of forty pound, twenty pound to the King, and twenty pound to the Captain of the Countrey; and for every theft under fourteen pence, a fine of five marks ſhould be paid, forty ſix ſhilling eight pence to the Captain, & twenty ſhillings to the *Taniſter*: that Horſemen & *Kearn* ſhould not be impoſed upon the common people, to be fed & maintained by them: that the Maſter ſhould anſwer for his ſervants, and the Father for his children. That *Cuttings* ſhould not be made by the Lord upon his Tenants, to maintain war with his neighbours, but onely to bear his neceſſary expences, &c.

Theſe Ordinances of State being made and publiſhed, there were nominated and appointed in every Province, certain Orderers or Arbitrators, who inſtead of theſe Iriſh *Brehons*, ſhould hear and determine all their Controverſies. In *Conaght*, the Archbiſhop of *Tuam*, the Biſhop of *Clonfert*, Captain *Wakeley*, & Captain *Ovington*. In *Munſter*, the Biſhop of *Waterford*, the Biſhop of *Cork* and *Roſs*, the Mayor of *Cork*, and

and Mayor of *Youghal.* In *Ulster*, the Archbishop of *Ardmagh*, and the Lord of *Lowth.* And if any difference did arise which they could not end, either for the difficulty of the cause, or for the obstinacy of the parties, they were to certifie the Lord Deputy & Council, who would decide the matter by their Authority.

Hereupon, the Irish Captains of lesser Territories, which had ever been oppressed by the greater and mightier; some, with risings out, others, with *Bonaght*, and others, with *Cuttings*, and spendings at pleasure, did appeal for Justice to the Lord Deputy; who upon hearing their complaints, did always order, that they should all immediately depend upon the King; and that the weaker shou'd have no dependancy upon the stronger.

Lastly, he prevailed so much with the greatest of them; namely, *O Neal*, *O Brien*, and *Mac William*, as that they willingly did pass into *England*, and presented themselves to the King, who thereupon was pleased to advance them to the degree and honor of Earls, and

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to grant unto them their ſeveral Countreys, by *Letters-patents*. Beſides, that they might learn Obedience and Civility of manners, by often repairing unto the State, the King upon the motion of the ſame Deputy, gave each of them a houſe and lands neer *Dublin*, for the entertainment of their ſeveral trains.

This courſe, did this Governor take to reform the Iriſhry; but withal, he did not omit to advance both the honor and profit of the King. For in the Parliament which he held the 33 of *Hen.* the eighth, he cauſed an Act to paſs, which gave unto K. *Henry* the eighth, his Heirs and Succeſſors, the Name, Stile, and Title of King of *Ireland*; whereas before that time, the Kings of *England* were ſtiled but *Lords* of *Ireland*: albeit indeed, they were abſolute *Monarchs* thereof, and had in right all Royal and Imperial Juriſdiction and power there, as they had in the Realm of *England*. And yet becauſe in the vulgar conceit the name of *King*, is higher than the name of *Lord*; Aſſuredly, the aſſuming of this Title, hath not a little raiſed

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the Soveraignty of the King of *England* in the mindes of this people: laſtly, this Deputy brought a great augmentation to the Kings Revenue, by diſſolving of all the Monaſteries and Religious Houſes in *Ireland*, which was done in the ſame Parliament: and afterward, by procuring *Min* and *Cavendiſh*, two skilful Auditors, to be ſent over out of *England*. Who took an exact ſurvey of all the poſſeſſions of the Crown, and brought many things into charge, which had been concealed and ſubſtracted for many years before. And thus far did Sir *Anthony Saint Leger* proceed in the courſe of Reformation: which though it were a good beginning, yet was it far from reducing *Ireland* to the perfect obedience of the Crown of *England*. For all this while, the Provinces of *Conaght* and *Ulſter*, and a good part of *Leinſter*, were not reduced to Shire-ground. And though *Munſter* were anciently divided into Counties, the people were ſo degenerate, as no Juſtice of Aſſize durſt execute his Commiſſion amongſt them. None of the

Iriſh

Iriſh Lords or Tenants were ſetled in their poſſeſſions, by any Grant or Confirmation from the Crown, except the three great Earls before named; who notwithſtanding, did govern their Tenants and Followers, by the Iriſh or *Brehon* Law; ſo as no treaſon, murther, rape, or theft, committed in thoſe Countries, was inquired of, or puniſht by the Law of *England*; and conſequently, no Eſcheat, Forfeiture, or Fine; no Revenue (certain or caſual) did accrew to the Crown out of thoſe Provinces.

The next worthy Governor that endeavoured to advance this Reformation, was *Thomas* Earl of *Suſſex*; who having throughly broken and ſubdued the two moſt rebellious and powerful Iriſh Septs in *Leinſter*; namely, the *Moores* and *O Connors*, poſſeſſing the Territories of *Leix* and *Offaly*, did by Act of Parliament, 3. and 4. *Phil.* and *Mariæ*, reduce thoſe Countries into two ſeveral Counties; naming the one, the *Kings*, and the other, the *Queens* County; which were the firſt two Counties that had been made in this Kingdom, ſince the

The courſe of reformation proſecuted by *Tho.* Earl of *Suſſex*, in the time of Queen *Mary*. *Liex* and *Offaly* made two Counties, 3. & 4. *Phil.* & *Mariæ*.

the twelfth year of King *John*; at what time the Territories then poſſeſſed by the Engliſh Colonies, were reduced into twelve Shires, as is before expreſſed.

This Noble Earl, having thus extended the Juriſdiction of the Engliſh Law into two Counties more, was not ſatisfied with that addition, but took a reſolution to divide all the reſt of the Iriſh Countries un-reduced, into ſeveral Shires; and to that end, he cauſed an Act to paſs in the ſame Parliament, authoriſing the Lord Chancellor, from time to time, to award Commiſſions to ſuch Perſons, as the Lord Deputy ſhould nominate and appoint, to view and perambulate thoſe Iriſh Territories; and thereupon, to divide and limit the ſame into ſuch and ſo many ſeveral Counties as they ſhould think meet; which being certified to the Lord Deputy, and approved by him, ſhould be returned and enrolled in the Chancery, and from thenceforth be of like force and effect, as if it were done by Act of Parliament.

Thus did the Earl of *Suſſex* lay open

a passage for the Civil Government into the unreformed parts of this Kingdom, but himself proceeded no further than is before delared.

The course of reformation followed by Sir *Henry Sidney*, in the time of Queen *Elizabeth*.

HOwbeit afterwards, during the Raign of Queen *Elizabeth*, Sir *Henry Sidney*, (who hath left behind him many Monuments of a good Governour in this Land) did not only pursue that course which the Earl of *Sussex* began, in reducing the Irish Countries into Shires, and placing therein Sheriffs, and other Ministers of the Law; (for first he made the *Annaly* a Territory in *Leinster*, possessed by the Sept of *Offerralles*, one entire Shire by it self, and called it the County of *Longford*; and after that he divided the whole Province of *Conaght* into six Counties more; namely, *Clare* (which containeth all *Thomond*) *Gallaway*, *Sligo*, *Mayo*, *Roscomon*, and *Leytrim*:) But he also had caused divers good Laws to be made, and performed sundry other services, tending greatly to the reformation of this Kingdom. For first, to diminish

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the greatneſs of the Iriſh Lords, and to take from them the dependancy of the Common people, in the Parliament which he held 11. *Eliz.* He did aboliſh their pretended and uſurped Captainſhips, and all exactions, and extortions incident thereunto. Next, to ſettle their Seigniories and poſſeſſions in a courſe of inheritance, according to the courſe of the Common law, he cauſed an Act to paſs, whereby the Lord Deputy was authoriſed to accept their Surrenders, and to regrant eſtates unto them, to hold of the Crown by Engliſh tenures and ſervices. Again, becauſe the inferiour ſort were looſe and poor, and not ameſuable to the law; he provided by another Act, that five of the beſt and eldeſt perſons of every Sept, ſhould bring in all the idle perſons of their ſurname, to be juſtified by the law. Moreover, to give a civil education to the Youth of this Land in the time to come, proviſion was made by another Law, that there ſhould be one Free ſchoole, at leaſt, erected in every Dioceſs of the Kingdom. And laſtly, to inure and acquaint

quaint the people of *Munſter* and *Conaght*, with the Engliſh Government again (which had not been in uſe among them, for the ſpace of 200. years before:) he inſtituted two Preſidency Courts in thoſe two Provinces, placing Sir *Edward Fitton* in *Conaght*, and Sir *John Perrot* in *Munſter*.

To augment the Kings Revenue in the ſame Parliament, upon the attainder of *Shane O Neale*, he reſumed and veſted in the Crown, more than half the Provinne of *Ulſter*: He raiſed the cuſtoms upon the principal commodities of the Kingdom: He reformed the abuſes of the Exchequer, by many good orders and inſtructions ſent out of *England*; and laſtly, he eſtabliſhed the compoſition of the *Pale*, in lieu of Purveyance and Seſs of Souldiers.

Theſe were good proceedings in the work of Reformation, but there were many defects and omiſſions withall; for though he reduced all *Conaght* into Counties, he never ſent any Juſtices of Aſſize to viſit that Province, but placed Commiſſioners there, who

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governed it only in *a courſe of diſcretion*; part Martial, and part Civil. Again, in the Law that doth aboliſh the Iriſh Captain-ſhips, he gave way for the reviving thereof again, by excepting ſuch, as ſhould be granted by Letters Patents from the Crown; which exception did indeed take away the force of that law. For no Governor during Queen *Elizabeths* Reign, did refuſe to grant any of thoſe Captain-ſhips, to any pretended *Iriſh* Lord, who would *Deſire*, and with his thankfulneſs *Deſerve* the ſame. And again, though the greateſt part of *Ulſter* were veſted by Act of Parliament, in the actual and real poſſeſſion of the Crown; yet was there never any ſeiſure made thereof, nor any part thereof brought into charge, but the Iriſh were permitted to take all the profits, without rendering any duty or acknowledgement for the ſame; and though the Name of *O Neale* were damned by that Act, and the aſſuming thereof made High-Treaſon; yet after that, was *Tirlagh Leynnagh* ſuffered to bear that Title, and to intrude upon the

the poſſeſſions of the Crown, and yet was often entertained by the State with favour. Neither were theſe lands reſumed, by the Act of 11 of *Elizabeth* neglected only (for the Abbyes and religious Houſes in *Tyrone*, *Tirconnell*, and *Fermanagh*, though they were diſſolved in the 33. of *Henry* 8. were never ſurveyed nor reduced into charge, but were continualy poſſeſt by the religious perſons) untill His Majeſty that now is, came to the Crown: and that which is more ſtrange, the Donations of Biſhopricks, being a flower of the Crown (which the Kings of *England* did ever retain in all their Dominions, when the Popes uſurped Authority was at the higheſt.) There were three Biſhopricks in *Ulſter*; namely, *Derry*, *Rapho*, and *Clogher*, which neither Queen *Elizabeth*, nor any of her Progenitors did ever beſtow, though they were the undoubted Patrons thereof. So as King *James* was the firſt King of *England* that did ever ſupply theſe Sees with Biſhops, which is an argument either of great negligence, or of great weakneſs in

the State and Governors of thoſe times. And thus far proceeded Sir *Henry Sidney*.

The reformation advanced by Sir *John Perrot*.

AFter him, Sir *John Perrot*, who held the laſt Parliament in this Kingdom, did advance the *Reformation* in three principal points. Firſt, in eſtabliſhing the great compoſition of *Conaght*, in which ſervice the wiſdom and induſtry of Sir *Richard Bingham* did concur with him: next, in reducing the unreformed parts of *Ulſter* into ſeven ſhires; namely, *Adrmagh*, *Monahan Tirone*, *Colerain*, *Donagall*, *Fermannagh*, and *Cavan*; though in his time the law was never executed in theſe new Counties by any Sheriffs or Juſtices of Aſſize, but the people left to be ruled ſtill by their own barbarous *Lords* and *laws*: And laſtly, by veſting in the Crown, the Lands of *Deſmond* and his Adherents in *Munſter*, and planting the ſame with Engliſh, though that plantation were imperfect in many points.

After

AFter Sir *John Perrot*, Sir *William Fitz-Williams* did good ſervice in two other points. Firſt, in raiſing a compoſition in *Munſter*; and then, in ſetling the poſſeſſions both of the Lords and Tenants in *Monahan*, which was one of the laſt Acts of State, tending to the reformation of the civil Government that was performed in the raign of Queen *Elizabeth*. The ſervice of *William Fitz-Williams*, tending to reformation.

Thus we ſee, by what degrees, and what pollicy and ſucceſs the Governors of this Land from time to time, ſince the beginning of the raign of King *Edward* the third, have endeavoured to reform and reduce this people to the perfect obedience of the Crown of *England*; And we finde, that before the Civil Wars of *Yorke* and *Lancaſter*, they did chiefly endeavour to bring back the degenerate Engliſh Colonies to their Duty and Allegiance, not reſpecting the meer Iriſh, whom they reputed as Aliens or Enemies of the Crown. But after King *Henry* 7. had united the Roſes, they laboured to reduce both Engliſh and Iriſh together;

which work, to what paſs and perfection it was brought in the latter end of Qu. *Elizabeths* raign, hath been before declared.

Whereof ſometimes when I do conſider, I do in mine own conceit compare theſe later Governors, who went about to reform the Civil Affairs in *Ireland*, unto ſome of the *Kings* of *Iſrael*, of whom it is ſaid; That they were good *Kings*, but they did not cut down the Groves and High places, but ſuffered the people ſtill to burn Incenſe, and commit Idolatry in them: ſo Sir *Anthony Saint-Leger*, the Earl of *Suſſex*, Sir *Henry Sidney*, and Sir *John Perrot*, were good Governors, but they did not aboliſh the Iriſh Cuſtoms, nor execute the Law in the Iriſh Countries, but ſuffered the people to worſhip their barbarous Lords, and to remain utterly ignorant of their Duties to God and the King.

AND now I am come to the happy Reign of my moſt Gracious Lord and Maſter K. *James*; in whoſe time, as

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there hath been a concurrence of many great Felicities: ſo this among others may be numbred in the firſt rank; that all the Defects in the Covernment of *Ireland* ſpoken of before, have been fully ſupplyed in the firſt nine years of his raign. In which time, there hath been more done in the work and reformation of this *Kingdom*; than in the 440. years which are paſt ſince the Conqueſt was firſt attempted.

How the Defects and errors in the government of *Irel.* have been ſupplied and amended ſince the beginning of his Majeſties Reign.

Howbeit, I have no purpoſe in this Diſcourſe, to ſet forth at large all the proceedings of the State here in reforming of this Kingdom, ſince his Majeſty came to the Crown, for the parts and paſſages thereof are ſo many, as to expreſs them fully, would require a ſeveral Treatiſe. Beſides, I for my part, ſince I have not flattered the former times, but have plainly laid open the negligence and errors of every Age that is paſt, would not willingly ſeem to flatter the preſent, by amplifying the diligence and true Judgment of thoſe Servitors, that have laboured in this Vineyard ſince

the beginning of his Majesties happy raign.

I shall therefore summarily, without any amplification at all, shew in what manner, and by what degrees, all the defects, which I have noted before in the Government of this *Kingdom*, have been supplyed since his Majesties happy Raign began; and so conclude these observations concerning the State of *Ireland*.

Errors in the carriage of the martial affairs amended.

FIrst then, touching the Martial affairs, I shall need to say little, in regard that the War which finished the Conquest of *Ireland*, was ended almost in the instant, when the Crown descended upon his Majesty; and so there remained no occasion to amend the former errors committed in the prosecution of the War. Howbeit, sithence his Majesty hath still maintained an Army here, as well *For a Seminary of Martial men*; as to *Give strength and countenance to the civil Magistrate*; I may justly observe, that this army hath not been fed with *Coign* and *Livery*,

very, or *Seſs* (with which Extortions the Souldier hath been nouriſhed in the times of former Princes) but hath *been as juſtly and royally paid, as ever Prince in the world did pay his men of war.* Beſides, when there did ariſe an occaſion of employment for this Army againſt the Rebel *Odoghertie*; neither did his Majeſtie delay the re-inforcing thereof, but inſtantly ſent ſupplies out of *England* and *Scotland*; neither did the Martial men dally or proſecute the Service faintly, but D*id forthwith quench that fire, whereby themſelves would have been the warmer*, the longer it had continued, as well by the encreaſe of their entertainment, as by booties and ſpoil of the Countrey. And thus much I thought fit to note, touching the amendment of the Errours in the Martial affairs.

SEcondly, For the ſupply of the Defects in the Civil Government, theſe courſes have been purſued ſince His Majeſties proſperous Reign began. How the defects in the Civil Government have bin ſupplied.

Firſt,

1. By establishing the publick peace.

First, albeit upon the end of the War, whereby *Tyrones* universal Rebellion was suppreſt, the mindes of the people were broken and prepared to Obedience of the law; yet the State upon good reaſon, did conceive, that the publick peace could not be ſettled, till the hearts of the people were alſo quieted, by ſecuring them from the danger of the Law, which the moſt part of them had incurred one way or other, in that great and general confuſion.

Therefore, firſt by a general Act of State, called the *Act of Oblivion*, publiſhed by *Proclamation* under the Great-Seal; All offences againſt the Crown, and all particular Treſpaſſes between Subject and Subject, done at any time before His Majeſties Reign, were (to all ſuch as would come in to the Juſtices of Aſſize by a certain day, and claim the benefit of this Act) pardoned, remitted, and utterly extinguiſhed, never to be revived or called in queſtion. And by the ſame Proclamation, all the Iriſhry (who for the moſt part,

part, in former times, were left under the tyrannie of their Lords and Chieftains, and had no defence or Justice from the Crown) were received into his Majesties *immediate protection*. This bred such comfort and security in the hearts of all men, as thereupon ensued, the calmest, and most universal peace, that ever was seen in *Ireland*.

2 By establishing the publick Justice in every part of the Kingdom.

The publick peace being thus established, the State proceeded next to establish the publick Justice in every part of the Realm. And to that end, Sir *George Cary* (who was a prudent Governor, and a just, and made a fair entry into the right way of reforming this Kingdom) did in the first year of His Majesties Reign, make the first Sheriffs that ever were made in *Tyrone* and *Tirconnel*; and shortly after, sent Sir *Edmund Pelham* Chief *Baron*, and my self thither, the first Justices of Assize that ever sat in those Countreys: and in that Circuit, we visited all the shires of that Provinces besides; which Visitation, though it were somewhat distasteful to the

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the Iriſh Lords, was ſweet and moſt welcome to the common people; who, albeit they were rude and barbarous, yet they quickly apprehended the difference between the Tyrannie and Oppreſſion under which they lived before, and the juſt Government and Protection which we promiſed unto them for the time to come.

The Law having made her Progreſs into *Ulſter* with ſo good ſucceſs, Sir *Arthur Chicheſter* (who with ſingular Induſtry, Wiſdom, and Courage, hath now for the ſpace of ſeven years and more, proſecuted the great work of Reformation, and brought it well-neer to an abſolute perfection) did in the firſt year of his Government, eſtabliſh two other New Circuits for Juſtices of Aſſize; the one in *Conaght*, and the other in *Munſter*. I call them New Circuits, for that, although it be manifeſt by many Records, that *Juſtices Itinerant* have in former times been ſent into all the ſhires of *Munſter*, and ſome part of *Conaght*; yet certain it is, that in two hundred years before (I ſpeak much within com-

compaſs) no ſuch Commiſſion had been executed in either of theſe two Provinces. But now, the whole Realm being divided into Shires, and every bordering Territory, whereof any doubt was made in what County the ſame ſhould lie, being added or reduced to a County certain (among the reſt, the *Mountains* and *Glyns* on the South ſide of *Dublin*, were lately made a Shire by it ſelf, and called the County of *Wicklow*; whereby the Inhabitants, which were wont to be Thorns in the ſide of the *Pale*, are become civil and quiet Neighbours thereof,) the ſtreams of the Publick Juſtice were derived into every part of the Kingdom; and the benefit and protection of the Law of *England* communicated to all, as well Iriſh as Engliſh, without diſtinction or reſpect of perſons; by reaſon whereof, the work of deriving the publick Juſtice, grew ſo great, as that there was *Magna meſſis, ſed Operarii pauci.* And therefore, the number of the Judges in every Bench was increaſed, which do now every half year (like good *Planets* in their

their ſeveral *Sphæres* or *Circles*) carry the light and influence of Juſtice, round about the *Kingdom*; whereas the Circuits in former times, went but round about the *Pale*, like the Circuit of the *Cinoſura* about the *Pole*.

Quæ curſu interiore brevi convertitur orbe.

The good effects which followed the execution of the Law throughout the *Kingdom*

UPon theſe Viſitations of Juſtice, whereby the iuſt and honourable Law of England was imparted and communicated to all the Iriſhry, there followed theſe excellent good effects:

Firſt, the common people were taught by the Juſtices of Aſſize, that they were free Subjects to the Kings of *England*, and not Slaves and Vaſſals to their pretended Lords: That the *Cuttings*, *Coſheries*, *Seſſings*, and other Extortions of their Lords, were unlawful, and that they ſhould not any more ſubmit themſelves thereunto, ſince they were now under the protection of ſo juſt and mighty a Prince, as both would and could protect them from all wrongs and oppreſſions: They gave a willing ear

ear unto theſe Leſſons; and thereupon, the greatneſs and power of thoſe Iriſh Lords over the people, ſuddenly fell and vaniſhed, when their Oppreſſions and Extortions were taken away, which did maintain their greatneſs: Inſomuch, as divers of them, who formerly made themſelves Owners of all (by Force;) were now by the Law reduced to this point; That wanting means to defray their ordinary charges, they reſorted ordinarily to the Lord Deputy, and made Petition, that by Licenſe and Warrant of the State, they might take ſome aid and contribution from their people; as well to diſcharge their former debts, as for competent maintenance in time to come: But ſome of them being impatient of this diminution, fled out of the Realm to forreign Countreys. Whereupon, we may well obſerve, That, *as Extortion did baniſh the old Engliſh Free-holder, who could not live but under the Law; So the Law did baniſh the Iriſh Lord, who could not live but by Extortion.*

Again, theſe Circuits of Juſtice (did upon

(upon the end of the War) more terrifie the looſe and idle perſons, than the execution of the Martial Law, though it were more quick and ſudden: and in a ſhort time after, did ſo clear the the Kingdom of Thieves, and other Capital Offendors, as I dare affirm, that for the ſpace of five years laſt paſt, there have not been found ſo many Malefactors worthy of death in all the ſix Circuits of this Realm (which is now divided into thirty two ſhires at large) as in one Circuit of ſix ſhires; namely, the Weſtern Circuit in *England*; for the truth is, that in time of Peace, the Iriſh are more fearful to offend the Law, than the Engliſh, or any other Nation whatſoever.

Again, whereas the greateſt advantage that the Iriſh had of us in all their Rebellions, was, *Our Ignorance of their Countreys, their Perſons, and their Actions*: Since the Law and her Miniſters have had a paſſage among them, all their places of Faſtneſs have been diſcovered and laid open; all their paces cleared; and notice taken of every perſon

person that is able to do either good or hurt. It is known, not onely how they live, and what they do, but it is foreseen what they purpose or intend to do: Insomuch, as *Tyrone* hath been heard to complain, that he had so many eyes watching over him, as he could not drink a full Carouse of Sack, but the State was advertized thereof, within few hours after. And therefore, those allowances which I finde in the ancient Pipe Rolls, *Pro guidagio, & spiagio*, may be well spared at this day. For the Under-Sheriffs and Bailiffs errant are better Guides and Spies in the time of Peace, than any were found in the time of War.

Moreover, these Civil Assemblies at Assizes and Sessions, have reclaimed the Irish from their Wildness, caused them to cut off their Glibs and long Hair; to convert their Mantles into Cloaks; to conform themselves to the manner of *England* in all their behaviour and outward forms. And because they finde a great inconvenience in moving their suits by an In-

terpreter; they do for the moſt part ſend their Children to Schools, eſpecially to learn the Engliſh Language; ſo as we may conceive and hope, that the next generation, will in tongue and heart, and every way elſe, become Engliſh; ſo as there will be no difference or diſtinction, but the Iriſh Sea betwixt us. And thus we ſee a good converſion, and the *Iriſh Game turned again.*

For heretofore, the neglect of the Law, made the Engliſh degenerate, and become Iriſh; and now, on the other ſide, the execution of the Law, doth make the Iriſh grow civil, and become Engliſh.

Laſtly, theſe general Seſſions now, do teach the people more obedience, and keep them more in awe, than did the general Hoſtings in former times. Theſe Progreſſes of the Law, renew and confirm the Conqueſt of *Ireland* every half year, and ſupply the defect of the Kings abſence in every part of the Realm; In that every Judge ſitting in the Seat of Juſtice, doth repreſent the perſon of the King himſelf.

These effects, hath the establishment of the Publick Peace and Justice produced, since his Majesties happy Reign began.

Howbeit, it was impossible to make a Common-Weal in *Ireland* without performing another service; which was, the setling of all the Estates and Possessions, as well of Irish, as English, thoroughout the Kingdom. 3. The setling of the States and possessions of the Irishry, as well as of the English.

For, although that in the twelfth year of Queen ELIZABETH, a special Law was made, which did enable the Lord Deputy to take Surrenders, and regrant Estates unto the Irishry (upon signification of Her Majesties pleasure in that behalf;) yet were there but few of the Irish Lords that made offer to surrender during her Reign; and they which made Surrenders of entire Countreys, obtained Grants of the whole again to themselves onely, and to no other, and all in Demesn. In passing of which Grants, there was no care taken of the Inferiour Septs of people, inhabiting and possessing

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theſe Countreys under them, but they held their ſeveral portions in courſe of Taniſtry and Gavelkinde, and yielded the ſame Iriſh Duties or Exactions, as they did before: So that upon every ſuch Surrender and Grant, there was but one Free-holder made in a whole Countrey, which was the Lord himſelf; all the reſt were but Tenants at Will, or rather Tenants in Villenage, and were neither fit to be ſworn in Juries, nor to perform any Publick ſervice. And by reaſon of the uncertainty of their Eſtates did utterly neglect to build, or to plant, or to improve the Land. And therefore, although the Lord were become the Kings Tenant, his Countrey was no whit reformed thereby, but remained in the former Barbariſm and Deſolation.

Again, in the ſame Queens time, there were many Iriſh Lords, which did not ſurrender, yet obtained Letters-Patents of the Captain-ſhips of their Countreys, and of all Lands and duties belonging to thoſe Captainſhips:

For

For the Statute which doth condemn and aboliſh theſe Captain-ries, uſurped by the Iriſh, doth give power to the Lord Deputy to grant the ſame by Letters Patents. Howbeit, theſe Iriſh Captains, and likewiſe the Engliſh, which were made Seneſchalles of the Iriſh Countries, did by colour of theſe grants, and under pretence of Government, claim an Iriſh Seigniory, and exerciſe plain tyranny over the Common people. And this was the fruit that did ariſe of the Letters Patents, granted of the Iriſh Countries in the time of Queen *Elizabeth*, where before they did extort and oppreſs the people, only by colour of a lewd and barbarous cuſtom; they did afterwards uſe the ſame Extortions and oppreſſions by warrant, under the great Seal of the Realm.

But now, ſince his Majeſty came to the Crown, two ſpecial Commiſſions have been ſent out of *England*, for the ſetling and quieting of all the poſſeſſions in *Ireland*; The one, for accepting Surrenders of the Iriſh and degenerate Engliſh, and for regranting Eſtates unto

How the commiſſions for Surrenders, and defective Titles have been put in execution.

unto them, according to the courſe of the common Law; The other, for ſtrengthening of defective Titles. In the Execution of which Commiſſions, there hath ever been had a ſpecial care, to ſettle and ſecure the under-Tenants; to the end, there might be a repoſe and eſtabliſhment of every Subjects Eſtate; Lord and Tenant, Free-holder and Farmer, thoroughout the Kingdom.

Upon Surrenders, this courſe hath been held from the beginning; when an Iriſh Lord doth offer to ſurrender his Country, his ſurrender is not immediately accepted, but a Commiſſion is firſt awarded, to enquire of three ſpeciall points. Firſt, of the quantity and limits of the Land whereof he is reputed owner. Next, how much himſelf doth hold in demeaſne, and how much is poſſeſt by his Tenants and Followers. And thirdly, what cuſtoms, Duties, and ſervices, he doth yearly receive out of thoſe lands. This Inquiſition being made and returned, the Lands which are found to be the Lords proper poſſeſſions in demeaſne, are drawn into a *Particular*;

ticular; and his Iriſh duties; as *Coſherings*, *Seſſings*, *Rents of Butter and Oatmeal*, and the like; are reaſonably valued and reduced into certain *ſums of mony*, to be paid yearly in lieu thereof. This being done, the ſurrender is accepted; and thereupon a grant paſſed, not of the whole Country, as was uſed in former times, but of thoſe Lands only, which are found in the Lords poſſeſſion, and of thoſe certain ſums of Mony, as Rents iſſuing out of the reſt. But the Lands which are found to be poſſeſt by the Tenants, are left unto them, reſpectively charged with theſe certain Rents only, in lieu of all uncertain Iriſh exactions.

In like manner, upon all *grants*, which have paſt by vertue of the commiſſion, for defective Titles, the Commiſſioners have taken ſpecial caution, for preſervation of the Eſtates of all particular Tenants.

No grant of Iriſh Captainſhips, or Seneſchal ſhips, ſince his Maieſties Reign.

And as for Grants of *Captain-ſhips* or *Seneſchal-ſhips*, in the Iriſh Countries; albeit, this Deputy had as much power and authority to grant the ſame, as any O-

other Governors had before him; and might have raiſed as much profit by beſtowing the ſame, if he had reſpected his private, more than the publick good; yet hath he been ſo far from paſſing any ſuch in all his time, as he hath endeavoured to reſume all the Grants of that kind, that have been made by his Predeceſſors; to the end, the inferiour Subjects of the Realm, ſhould make their only and immediate dependency upon the Crown. And thus we ſee, how the greateſt part of the poſſeſſions, (as well of the Iriſh as of the Engliſh) in *Leinſter*, *Conaght*, and *Munſter*, are ſetled and ſecured ſince his Majeſty came to the Crown: whereby the hearts of the people are alſo ſetled, not only to live in peace, but raiſed and encouraged to build, to plant, to give better education to their children, and to improve the commodities of their Lands; whereby the yearly value thereof, is already encreaſed, double of that it was within theſe few years, and is like daily to riſe higher, till it amount to the price of our Land in *England*.

Laſtly,

LAstly, the poſſeſſions of the Iriſhry in the Province of *Vlſter*, though it were the moſt rude and unreformed part of *Ireland*, and the *Seat* and *Neſt* of the laſt great Rebellion, are now better diſpoſed and eſtabliſhed, than any the Lands in the other *Provinces*, which have been paſt and ſetled upon Surrenders. For, as the occaſion of the diſpoſing of thoſe Lands, did not happen without the ſpecial providence and finger of God, which did caſt out thoſe wicked and ungrateful Traitors, who were the only enemies of the reformation of *Ireland*: ſo the diſtribution and plantation thereof, hath been projected and proſecuted, by the ſpecial direction and care of the King himſelf; wherein his Majeſty hath corrected the errors before ſpoken of, committed by King *Henry* 2. and K. *John*, in diſtributing and planting the firſt conquered Lands. For, although there were ſix whole Shires to be diſpoſed, His Majeſty gave not an entire Country, or County, to any particular perſon; much leſs did he grant

The plantation of *Vlſter*.

Jura

Jura Regalia, or any extraordinary Liberties. For the beſt *Britiſh undertaker*, had but a proportion of 3000. Acres for himſelf, with power to create a Manor, and hold a Court Baron: Albeit, many of theſe undertakers, were of as great birth and quality, as the beſt Adventurers in the firſt conqueſt. Again, his Majeſty did not utterly exclude the Natives out of this plantation, with a purpoſe to root them out, as the Iriſh were excluded out of the firſt *Engliſh* Colonies; but made mixt plantation of *Britiſh and Iriſh*, that they might grow up together in one Nation: Only, the Iriſh were in ſome places tranſplanted from the Woods and Mountains, into the Plains and open countries, that being removed (like wild fruit-trees) they might grow the milder, and bear the better and ſweeter fruit. And this truly, is the Maſter-piece, and moſt excellent part of the work of Reformation, and is worthy indeed of His Majeſties royal pains. For when this plantation hath taken root, and been fixt and ſetled but a few years, with the favour and bleſ-

ſing

ſing of God (for the Son of God himſelf hath ſaid in the Goſpel, *Omnis plantatio, quam non plantavit pater meus, eradicabitur*) it will ſecure the peace of *Ireland*, aſſure it to the Crown of *England* for ever; and finally, make it a civil, and a Rich, a Mighty, and a Flouriſhing Kingdom.

I omit to ſpeak of the increaſe of the Revenue of the Crown, both certain and caſual, which is raiſed to a double proportion (at leſt) above that it was, by deriving the publick Juſtice into all parts of the Realm; by ſetling all the poſſeſſions, both of the Iriſh and Engliſh, by re-eſtabliſhing the compoſitions; by reſtoring and reſuming the cuſtoms; by reviving the Tenures in *Capite*, and *Knights-ſervice*; and reducing many other things into charge, which by the confuſion and negligence of former times, became concealed and ſubtracted from the Crown. I forbear likewiſe to ſpeak of the due and ready bringing in of the Revenue, which is brought to paſs by the well ordering of the Court of *Exchequer*, and the authority and pains

of

of the Commiſſioners for Accompts.

I might alſo add hereunto, the encouragement that hath been given to the Maritime Towns and Citties, as well to increaſe their Trade of Merchandize, as to cheriſh Mechanical Arts and Sciences; in that all their Charters have been renewed, and their Liberties more inlarged by His Majeſty, than by any of his Progenitors ſince the Conqueſt. As likewiſe, the care and courſe that hath been taken, to make Civil Commerce and entercourſe between the Subjects, newly reformed and brought under Obedience, by granting Markets and Fairs to be holden in their Countries, and by erecting of corporate Towns among them.

Briefly, the clock of the civil Government, is now well ſet, and all the wheels thereof do move in Order; The ſtrings of this Iriſh Harp, which the Civil Magiſtrate doth finger, are all in tune (for I omit to ſpeak of the State Eccleſiaſtical) and make a good Harmony in this Common-weal: So as we may well conceive a hope, that *Ireland* (which heretofore

tofore might properly be called the *Land of Ire*, becauſe the *Iraſcible* power was predominant there, for the ſpace of 400. years together) will from henceforth prove a Land of *Peace* and *Concord*. And though heretofore it hath been like the lean Cow of *Egypt*, in *Pharaohs* Dream, devouring the fat of *England*, and yet remaining as lean as it was before, it will hereafter be as fruitfull as the land of *Canaan*; the deſcription whereof, in the 8. of *Deutronomy*, doth in every part agree with *Ireland*; being *Terra Rivorum, aquarumque & fontium; in cujus Campis, & Montibus, erumpunt fluviorum abyſſi; Terra frumenti, & hordei; Terra lactis, & mellis; ubi abſque ulla penuria comedes panem tuum, & rerum abundantia perfrueris.*

And thus I have diſcovered and expreſſed the defects and Errors, as well *in the managing of the Martial Affairs*, as *of the civil*; which in former Ages gave impediment to the reducing of all *Ireland*, to the *Obedience and Subjection* of the Crown of *England*. I have likewiſe obſerved, what courſes have been

taken

taken, to *reform the Defects and Errors in Government, and to reduce the People of this Land to obedience*, ſince the beginning of the raign of King *Edward* 3, till the latter end of the raign of Queen *Elizabeth*.

And laſtly, I have declared and ſet forth, *How all the ſaid errors have been corrected, and the defects ſupplyed under the proſperous Government of His Majeſty*; So as I may poſitively conclude in the ſame words, which I have uſed in the Title of this Diſcourſe; *That untill the beginning of His Majeſties Raign, Ireland was never entirely ſubdued, and brought under the Obedience of the Crown of* England. But ſince the Crown of this Kingdom, with the undoubted right and Title thereof, deſcended upon His Majeſty; The whole Iſland from Sea to Sea, hath been brought into his Highneſs peaceable poſſeſſion; and all the Inhabitants, in every corner thereof, have been abſolutely reduced under his immediate ſubjection. In which condition of Subjects, they will gladly continue, without defection or adhæring to any other

other *Lord* or *King*, as long as they may be *Protected*, and *justly Governed*, without *Oppression* on the one side, or *impunity* on the other. For, there is no Nation of people under the Sun, that doth love equal and indifferent Justice, better than the Irish; or will rest better satisfied with the execution thereof, although it be against themselves; so as they may have the protection and benefit of the Law, when upon just cause they do desire it.

FINIS.